

"This is all that I had left out, because, as the Council will see, it does not concern the President of the administration, whose position we were considering.

"Now, Sir, I will deal with some of the arguments brought forward by the Hon'ble Member in the course of his speech. Here again it is largely a question of the standpoint from which we approach this question. The Hon'ble Member gave us an idea as to how he approaches this question when he said: 'Well, if I were a Collector, I would go out in the district among the people and I would ask those people what they wanted personally. Why should I have anybody between me and the people?' As though the men who will 'come' between him and the people do not belong to the district and have no interest in its administration! This is exactly the attitude of mind, Sir, which must be given up, if district administration is to be improved. You must create in the minds of all classes in the district some sort of interest in, some sense of responsibility for, your administration. It would not do for a man to say, 'I administer this district; it is for me to give orders; the people exist only to obey!' The higher purpose of British rule, as we understand it, is to associate us slowly but steadily with the administration of the country, so that in course of time the administration should really become ours. Sir, the Hon'ble Member referred, towards the close of his speech, to a proposal which I had made before the Decentralization Commission but to which I made no reference today, *viz.*, the abolition of Commissionerships. I did not refer to this—again I must say—because there was no time to do so; I was speaking against time. My view, however, is the same as it was, when I placed it before the Decentralization Commission, and it is this:—You must free the Collector largely from the present excessive secretariat control. After all, he is a member of the same Civil Service from which also the secretariat officials are drawn. In many cases—I have heard this complaint from Collectors again and again—he is a fairly senior officer of that service, whereas some Under Secretary, who is generally a junior man, very often passes orders in the name of the Government on the reports that go from him, frequently after keeping them a good long time in the pigeon-holes of the Secretariat. Now what is the value of this kind of thing? Free the man from this; he belongs to the same service as Government Secretaries. He is qualified just as well as Secretariat officials to deal with these matters,—perhaps better. He is, moreover, on the spot and knows more about the business. Only do not make him an absolute ruler. Free him largely from Secretariat control, but substitute for such control a certain amount of non-official association; and for this associate with him some of the best men in the district, whose advice he should be bound to take so that, in any case, due deliberation may be ensured, and there may be no hasty action. If the Collector cannot spare one day in the month for this purpose, well, I really must say that the ideas that some gentlemen have on the subject of the administration of this country are extraordinary. If you like—it is only a question of funds—give him another assistant so that he may be further freed from his ordinary routine work. But it is a matter of the utmost importance to the people that they should be associated in some manner with the administration of the district, and enabled to feel that it is their own administration. Then the people will criticise the administration less and less; a greater sense of responsibility will come to them; and both parties to this transaction will, in the end, profit by it. If you free the Collector from a large part of the present Secretariat control, I certainly do not think that any harm will be done. If you do this, you will not require the intermediate agency of the Commissioner. Many distinguished men have taken the view that Commissioners are really superfluous. Even the Hon'ble Sir Reginald Craddock refers to that view in his minute. He says he does not want the Commissioners to be mere 'post offices,' or 'a fifth wheel to the coach'. Both these expressions we have heard again and again, and they have come from men who have held responsible positions in the administration of the country. If you have a strong central Government laying down policies, issuing general instructions, having Inspectors-General to go about and inspect district administration from time to time, and supplying expert advice to the district officers when necessary, then district officers, with the assistance of Advisory Councils, might very well carry on the administration of their districts.

Sir, it is easy for members of the Government to describe the suggestions coming from us non-officials as not practicable. It all really depends on whether you are in a position to try them or not. The Hon'ble Member is in a position to try any experiment which he takes it into his head to try, while we are not in that position. Therefore, I suppose, his ideas are always practicable, whereas ours may be brushed aside as impracticable! Sir, I certainly hold that Commissionerships are unnecessary and should be abolished. But from that—from the proposal for the abolition of Commissioners to the abolition of Collectorships—well, I do not see that there is any transition whatsoever. The Hon'ble Member says, if Mr. Gokhale proposes the abolition of Commissionerships, he may also propose the abolition of Collectorships; and if that is done, what is to happen? He might as well ask, if Government ceases to exist, what is to happen! It would never enter the head of any sane person to propose that Collectorships should be abolished. If you argue in that way then I really must say that that is not a fair way of dealing with a proposal like this. I regret I have no time to deal with all the specific objections that he has urged against the outlines of my scheme. But I will deal with as many as I can. The first I would take is about the imposition of punitive police. He said that he was astounded that I should suggest that the Collector should discuss this with men sitting with him round a board. By the way, I may state that though I have suggested nine as the maximum number of members of the Council, it need not be necessarily nine and no other. If nine will not do, increase it to any other that is reasonable. That will be my answer to the Hon'ble Mr. Shafi, whose support I am very glad to have in this matter. All I want is that the Council should be a small body, and that it should discuss things as we do at a municipal managing committee or standing committee meeting—in a more or less conversational manner and not by means of speeches. Now, Sir, if you want to impose punitive police on an area or a section of the people, you depend at present upon official reports only. But that is exactly our grievance. For you sometimes throw the whole burden on a wrong class; sometimes it is distributed among classes some of whom have not offended. Now if you consult your Council on these questions you will first of all have to place your reports before them. If you admit them to a participation in the administration, then the subordinates' reports must be available to them, as papers are laid before Committees that work with a Chairman. If you are prepared to assume that these people will be reasonable beings, that they will not necessarily be afflicted with some extra curse, then they may be depended upon to show a reasonable regard for the requirements of the administration. It is the present secrecy of administration which, unless circumstances are exceptional, must be removed. The British Government in this country must be our Government, not a Government keeping us at arm's length, but really associating us in a responsible manner with the administration, so that we may feel that it is our Government. At present you act on reports from the police. We all know what that means. Everybody's reputation is in the hands of the police. Many of us have suffered from that. I speak in this matter from personal experience.

"If you are going to punish a whole class of men—that is what you do by means of punitive police—you can surely explain the reasons to ten or twelve men. If you cannot carry these men with you, rest assured that there is something wrong with your policy. Then, Sir, the Hon'ble Member objects that my proposal about liquor shops really amounts to asking for local option. Well, Sir, I am a very keen advocate of local option. I have advocated it in the past and will continue to advocate it till it is granted. But my present proposal does not amount to local option, for the Council is only advisory, and if the Collector does not carry it with him, the matter can go as at present to the Government. The function is merely an advisory function, and if he carries the Council with him, a great deal of bother is saved. Again, as regards the suspension of local bodies, the Hon'ble Member is afraid that the members will become unpopular, if they vote for suspension. He is strangely anxious that these Councils, which he is doing all he can to prevent from coming into existence, should not become unpopular! Well, even if they are not willing to face unpopularity at once in regard to

a Municipality which requires to be suspended, after a time at any rate the fibre of these men will be strengthened and they will discharge their responsibilities as other Indian officials do at present. Then the Hon'ble Member says that the framing of rules may be an urgent matter. If so, you may have an extraordinary meeting of the Council; ordinarily, however, the framing of rules is a matter for deliberation. If you are not going to associate non-officials with you in a matter of this kind, I do not know in what else you will associate them with you. The Hon'ble Member fears that the Councils might become a hot bed of intrigue. In what way can a mere advisory body become a hot bed of intrigue? He says two or three men might get an ascendancy over a Collector. But such things happen now, and under my scheme, the evil will tend to grow less and not more. A strong Collector generally takes care of himself, and the chances of two or three unscrupulous men getting an ascendancy over a weak Collector's mind are far greater when you have no Advisory Council than when you have such a Council. Again what about providing for the responsible ventilation of grievances in a district? Is there no value to be attached to this? I can only express my view that if you provide some outlet for such ventilation, a great deal of bitterness which arises at present will be prevented. The Hon'ble Member must surely have experience of such matters. Wrong things are sometimes done even without the knowledge of the Collector, by some police officer or some one else. At present the grievance has simply to take its course. As my friend Pandit Madan Mohan Malaviya has pointed out, questions are asked about it in the Provincial Council drawing the attention of the whole Province to it. When the complaint does not belong to the Collector's own Department, the matter has to be referred to one or another of the numerous central departments with which the country has been flooded in recent years. Well, these departments have their own procrastinating methods of doing work. If there is more government on the spot and if these matters are brought to the notice of the Collector, will not much harm be prevented? It is a point of the greatest importance that this kind of harm should be prevented—I do not mean by going to the Collector privately and putting things before him in an individual capacity, for there is no sense of responsibility in that. Sir, the Hon'ble Member asks, what will be the end if you begin like this? I will tell him what the end will be. The end will be better and better administration! The end will be that the people will feel that the administration is theirs. The end will be that the gulf that at present yawns between officials and the public will be steadily bridged: good administration in the interests of the people, the people feeling a responsibility for it and an interest in it, and things moving generally much more smoothly than they do at present—this will be the end if my proposal is accepted!

"Sir, I am sorry that I have trespassed on the attention of the Council longer than I should have. I must leave the other points now alone, and I must ask that this resolution be put to the vote."

The Council divided:—

Ayes—14.

The Hon'ble Pandit Madan Mohan Malaviya, the Hon'ble Raja of Dighapatia, the Hon'ble Mr. S. Sinha, the Hon'ble Mr. Haque, the Hon'ble Raja of Kurupam, the Hon'ble Mr. Gokhale, the Hon'ble Mr. Mudholkar, the Hon'ble Mr. Dadabhoy, the Hon'ble Mr. Shafi, the Hon'ble Khan Zulfikar Ali Khan, the Hon'ble Malik Umar Hyat Khan, the Hon'ble Mr. Jinnah, the Hon'ble Mr. Bhurgri, and the Hon'ble Sir V. D. Thackersey.

Noes—32.

The Hon'ble Sir Robert Carlyle, the Hon'ble Sir Harcourt Butler, the Hon'ble Mr. Syed Ali Imam, the Hon'ble Sir Reginald Craddock, the Hon'ble Major-General Sir M. H. S. Grover, the Hon'ble Mr. Gordon, the Hon'ble Mr. Porter, the Hon'ble Mr. Enthoven, the Hon'ble Mr. Wheeler, the Hon'ble Mr. Brunyate, the Hon'ble Sir A. H. McMahon, the Hon'ble Mr. Lyon, the Hon'ble Mr. Saunders, the Hon'ble Sir James Meston, the Hon'ble Mr. Fremantle, the Hon'ble Mr. Todhunter, the Hon'ble Surgeon-General Sir C. P.

Lukis, the Hon'ble Mr. Sharp, the Hon'ble Mr. Carr, the Hon'ble Mr. Arthur, the Hon'ble Mr. Madge, the Hon'ble Mr. Armstrong, the Hon'ble Sir G. M. Chitnavis, the Hon'ble Mr. Phillips, the Hon'ble Mr. Meredith, the Hon'ble Mr. Gates, the Hon'ble Mr. Slacke, the Hon'ble Sir Charles Stewart-Wilson, the Hon'ble Mr. Dempster, the Hon'ble Sir T. R. Wynne, the Hon'ble Mr. Kenrick, and the Hon'ble Mr. Kesteven.

So the Resolution was rejected.

The Council adjourned to Wednesday, the 28th February 1912.

W. H. VINCENT,

*Secretary to the Government of India,
Legislative Department.*

CALCUTTA ;

The 8th March 1912.

APPENDIX No. 1.

Statement showing the expenditure on stores procured by the Director-General of Stores for shipment to India, and stores purchased in India.

Year.	Stores procured by the Director-General of Stores for ship- ment to India.	Stores purchased in India.	REMARKS.
	£	Rs.	
1907-08	4,181,379	1,65,78,409	
1908-09	5,013,618	1,85,46,400	
1909-10	3,447,293	1,03,89,804 (a)	*Not available yet.
1910-11	3,110,926	*	

(a) Purchases of Coal and Coke which in the previous year aggregated nearly Rs. 10 lakhs were excluded from the returns.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA
ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS
UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 TO
1909 (24 & 25 VICT., c. 87, 55 & 56 VICT., c. 14, AND 9 EDW. VII, c. 4).

The Council met at Government House, Calcutta, on Wednesday, the 28th
February 1912.

PRESENT:

The Hon'ble SIR GUY FLEETWOOD WILSON, G.C.S.I., K.C.B., K.C.M.G., Vice-
President, *presiding*, and 56 Members, of whom 50 were Additional Members.

SPECIAL MARRIAGE BILL.

The President : "I desire to remove a misapprehension in regard
to yesterday's debate on the Indian Marriage Bill.

"What occurred exactly is this: I did not see the Hon'ble Mr. Jinnah
rise, but my eye caught the Hon'ble the Law Member resuming his seat. I
therefore assumed that he had concluded his remarks. I then heard Mr. Jinnah
raise a point of order.

"Believing that the Hon'ble Mr. Ali Imam had concluded his remarks,
which were in the nature of a personal statement, and mindful of the fact that
the legal aspect of the question had been debated at great length, I considered
that the time had arrived to call on the mover to reply on the general question.

"It was not my intention to curtail the remarks of the Hon'ble the Law
Member, and had I understood that he had more to say, I should have dealt
with the point raised by the Hon'ble Mr. Jinnah and called upon the Hon'ble
Mr. Ali Imam to resume his speech.

"We will now proceed to the business of the day."

INDIAN LUNACY BILL.

The Hon'ble Sir Reginald Craddock : "Sir, I beg to present to the
Council the Report of the Select Committee on the Lunacy Bill. The Select
Committee's Report, which is an unanimous one and which was arrived at
after many days of discussion, sets forth all those various particulars in which

the Bill as introduced is proposed to be modified. These modifications are sufficiently explained in this Report, and all I need say at this time is that their general direction has been first merely taking out archaic expressions from the old laws which have been consolidated, without making a radical alteration in their letter and their spirit, and in adapting such provisions of later English Statutes on the subject as are suited to the circumstances prevalent in India. The only really new feature in the Bill, as amended by the Select Committee, is a provision which enables the reception into a lunatic asylum of a voluntary boarder. This has been based on a similar provision in the English and Scotch laws. I believe that the number of voluntary boarders is not likely to be great, but at the same time there are certain people who may suffer from temporary attacks of insanity, who may feel these coming on, and who may desire the shelter and treatment of a lunatic asylum, and it has therefore been considered advisable to include this measure in the Bill which I present to this Council.

"On some suitable day later on, I shall move that the Select Committee's Report be taken into consideration, and, subject to that consideration, that the Bill be passed."

PRISONERS' INCOME.

The Hon'ble Mr. Dadabhoy: "Sir, I beg to move—

That this Council recommends to the Governor General in Council that a portion of the income from the sale of jail products be credited periodically to the individual prisoners concerned, and the accumulations be given to them at the time of release with proper safeguards.

"To a penologist this Resolution would appear as only a palliative, a mere tinkering at prevention of habitual crime. Recent investigation into criminality has suggested a more effective cure, and philanthropic and executive efforts have been directed towards the suppression of the evil at its source. The Borstal System of treatment founded upon American experience, indeterminate sentences, industrial schools, tickets-of-leave, segregation of hardened criminals in 'convict prisons', and the establishment of Discharged Prisoners' Aid Societies are some of the means adopted in England for a satisfactory solution of the momentous problems connected with crime. The British conscience is fairly roused; in the words of Sir Rider Haggard, 'prison reform is in the air'; the hereditary idea that justice is only retributive and deterrent is giving place to the nobler and more humane principle that 'the real end for which "the system" is established . . . is not punishment . . . but prevention and, still more, reformation.' Upon this enlightened principle, many suggestions for prison reform in India, more or less ambitious in scope, might be made; but the prudent course is to make a beginning and to attempt something which will not cause a violent disturbance of existing conditions.

"In India, notwithstanding public apathy, much has been effected, of late more than before, in the way of prison reform by the authorities on their own initiative. A system has been evolved which is not without its good points; jail mortality has gone down considerably; more humane considerations inspire the present-day jail administration. It would be unjust not to acknowledge with gratitude all that Government, in spite of the absence of informed criticism and the co-operation of the public, has so far done to ameliorate the condition of the prisoner; at the same time the truth must be told, and it should be pointed out that we here have not kept ourselves abreast of the times.

"Sir, great things have been and are being done in the West with a view to keep down habitual crime. New organisations have come into existence; the whole subject is being scientifically examined and treated. In England, Act has been piled upon Act; the Inebriates Act, the Probation of Offenders Act, the Prevention of Crimes Act and the Children Act testify to the concern which the Legislature feels for the criminal population. The quinquennial International Prisons Congress, which held eight sessions between 1872 and

1910 and is expected to meet in England in 1915, affords clear proof of the increased interest which the civilised world has come to take in the prevention of crime. With years the nations joining the Congress have gone on increasing. Instead of 24 nations represented at the London Congress in 1872, 28 nations sent representatives to the Buda-Pesth Congress of 1905 and 39 nations to the Washington Congress of 1910. This is a hopeful sign. India, it is hoped, will be represented at the next Congress. It is perhaps too early yet to come to definite conclusions about the result of all this activity, but it is undeniable that it has on the whole been salutary. Even so far back as 1891, Mr. Escott, the historian of England, observed :

‘Although during the last decade the number of our convicts has remained practically stationary, the general population has increased by between 4,000,000 and 5,000,000, and the proportion of those who are under thirty years of age is something like a third less now than it was at its commencement. Sentences to penal servitude are at present, too, fewer by almost a half than they were a quarter of a century ago, and for a couple of years have been fewer than they ever were before. As to the population of our local prisons, a series of diagrams, published in the annual reports relating to them, has given prominence to the curious circumstance that it has risen and fallen with marked regularity since the middle of the century in cycles of six or eight years From 1877 onwards the tendency has been to fall When the Prisons Act came into force the population of our local prisons numbered 21,000, and it now numbers a little more than 17,000. The reduction among prisoners as among convicts is greater among those who are under than among those who are over thirty years old, the percentage being some 55 in the former to 45 in the latter. Among those whose age is less than sixteen the decrease is more remarkable.’

“Recidivism is still appallingly high in England, especially among ‘convicts’ or long-term prisoners, the latest figure being 88·3 per cent.; but when criminality has been checked at its source, i.e. among young people, through the operation of the various measures recently taken by Government and the public, the supply will be stopped. Time must be allowed for this slow evolution. This Government will earn the gratitude of the people in a greater degree by introducing in India such of the reforms suggested by Western experience as are consistent with local conditions.

“Sir, the Resolution before the Council relates to one of the details of prison reform which might well be introduced here. The termination of a sentence of imprisonment, especially a long one, although looked forward to with almost impatient interest by the prisoner, in the majority of cases launches him in the world absolutely destitute, without means and without friends. The incidental social degradation again places in his way difficulties of an exceptional character which sooner or later force him back to his former criminal ways and to the prison as a natural consequence. The historian has well described his predicament :

‘The attitude of the world towards him when he is once more free is perhaps a little too absolutely repellant and unrelenting. It is not only that he has been photographed and his *signalement* widely distributed among the police, that he has had to submit to inspection at the hands of the detective, and that he may expect a further continuous surveillance, but he will in most cases find it extremely difficult to earn an honest living, however desirous he may be to do so. His honest associates—if he has any—will shun him, employers will not care to engage him lest their other workmen should take offence. Most doors are closed to him; he is a suspicious character, not to be trusted even when in sight. What wonder that he soon again falls away!’

“Government, however, in the present state of social development in India might plead inability to set up the released prisoner in life, or even to introduce him to a likely employer. This part of the work must for a long time to come be left to be done by philanthropic associations. But Government can reasonably be expected to see that the discharged prisoner does not go out to the world absolutely destitute. The responsibility of the State in this matter has been recognised in most civilised countries. In England,

if at the time of his release he is destitute, he is clothed decently, provided with food, and a railway warrant to pass him on to his home, if it is far from the prison.

“The system of awarding gratuities to prisoners also prevails. The underlying principle is that no prisoner on release should find himself absolutely

destitute. The total amount spent annually by the Imperial Government on this account is £16,500. The individual sums allowed are not large. The maximum of gratuity that can be earned is fixed for each institution. In 'convict' prisons it is £6, in Borstal institutions £2, and in 'local' prisons 10s.

"In Germany, the arrangement is more liberal. Physical ability and mental fitness premised, prisoners have to work at the jail industries. A minimum of daily outturn is insisted on, but any excess is credited to the individual prisoner. The amount so earned is *absolutely* his, and he can at his will either spend it on his personal comforts during incarceration, or lay it by as deposit in a sort of savings bank account, the accumulations of which he is paid at the time of release. Railway tickets up to the place of domicile, food and clothing are supplied to short-term prisoners. In the United States of America, payment of gratuities to convicts is very common. In many of the States the prisoner is sent out of prison properly dressed. Certain other necessities and sometimes an extra suit of clothes are supplied. The policy is to give the released convict a chance in the world by humane, and even generous, treatment, and to enable him to secure employment. He is made to feel that he is once again a free citizen, with equal rights with others, to work on his own account and to take his place in society. The United States prisoner receives the same treatment as a State prisoner. Many of the States even find employment for the discharged convict.

"In France also certain 'concessions' are given to prisoners of both classes—convicts undergoing imprisonment with hard labour and ticket-of-leave men. Under the rules, the details of which it is not necessary to set forth here, both the classes can earn by good conduct certain privileges and land for cultivation for which rent has got to be paid to Government. The holding becomes gradually the prisoner's on payment of the capitalised value of the rent. The prisoners enjoying 'concessions' are given agricultural tools, dresses and bedding. They are also given a subsistence allowance either in kind or in money both for themselves and their wives and children.

"In Japan, a certain amount of money is handed over to the prisoners at the time of release 'for the work they have done during the term of servitude in prison.' The English practice is perhaps better in that the amount is made over to the Discharged Prisoners' Aid Societies, and not to the prisoners themselves. There is some risk of money in the hands of the prisoners being misapplied. But safeguards for the proper application of the accumulations can be provided. Even a few rupees judiciously spent for the relief of the discharged prisoner mean a real help, as the experience of the Calcutta Prisoners' Aid Society, the only society of its kind in India, owing its origin to the thoughtful initiation of the Hon'ble Mr. Justice Stephen, shows. Timely help of this nature has enabled a few at least among the released prisoners to regain a footing in society, and to find out honest means of livelihood. Such gratuities, small though they be, will be appreciated, and may retrieve many a lost character. I do not refer here to the Claude Martin Fund as the relief given therefrom is negligible.

"A resolution in the following terms was adopted at the last International Penitentiary Congress on the subject of gratuity:

'It is desirable that the State should allow payment to be made to prisoners, and that steps should be taken to provide that any sum of money credited to prisoners should be available for the assistance of their families if in need.'

"This is the ideal to be worked up to. The detention of a criminal in prison need not involve his family in ruin. He may continue to work for his wife and children, only in order to do that effectively he must be more industrious inside the jail.

"In India, the system is unknown to jail administration. The only rule of the Central Government, sanctioning payment to discharged prisoners, is embodied, among others, in Article 590 of the Bengal Jail Code, and under it payment at the rate of 2½ annas for every 15 miles can be made where the individual has

his home at a distance of over 5 miles from the jail. In the Punjab, I understand, gratuity used to be paid formerly on a limited scale, but the practice has been discontinued. By the Resolution I move I request Government to introduce the system of gratuities in Indian jails. Such gratuities must in all cases be earned during the term of imprisonment by good conduct and hard work. The total expenditure will not be large, and even if it were, the money should be found.

"Sir, in the Resolution I refer to the source from which the gratuity can be paid. Jail manufactures yield some income to which the prisoners employed contribute. The introduction of the system of gratuity will be an incentive to the convict artisan to do extra work, and thereby to shorten his stay in the prison, as also to insure himself against absolute destitution at the time of release. In the absence of detailed statistics, it is impossible to say if there is any profit from the sale of jail products. The report is, jail manufactures do not pay. The products are not easily saleable; the market is limited; the manufactures are viewed with jealousy by private manufacturers. But greater difficulties were experienced in England before; the various organisations for the protection of manufacturing interests agitated against jail manufactures; but at last the Prison Committee of 1894, in conformity with the views of the Trades Unions, decided upon lines of manufacturing activity inside prisons which were acceptable to all.

"Conflict with vested interests is not inherent in the situation, and if only Government departments use more jail products, the manufactures will not only prove productive, but will provide large scope for expansion. Jail industry in England has attained remarkable development through the support of the consuming departments of Government; and if in this country the result is not satisfactory, the apathy of Government is largely responsible for the ill-success. For some reason, which is not very clear, Government departments object to consume jail products. This repugnance is recorded in the Annual Reports year after year. Why this should be so, is unaccountable. With greater co-operation of the other departments, the Indian jails would be kept fully busy and their products would yield a large income. There must be something radically wrong in the system when even cordage and oakum are imported from England for consumption by Government. *Thalis*, *baltis*, and kit-bags are also imported. And yet these articles can be easily and economically manufactured in Indian jails. In America, the Board of Charities and Correction have the oversight of prison industries, and, according to the Howard Association—

'by law, they can compel the Departments of Public Service to buy what commodities and articles they require. As the Board of Charities and Correction also controls hospitals, asylums, poor-houses, schools, and all offices used for public educational purposes, it follows that they possess a large and varied field for prison labour, with power to ensure a constant demand for the goods they themselves manufacture. Hence we find all sorts of industries carried on in a State Prison, and also that a staff of experts outside the prison walls are employed to enforce the sale and direct the distribution of prison-made commodities.'

"Sir, the present condition of jail manufactures is capable of considerable improvement—an improvement which is quite within the power of Government to effect. More determination and active support will bring about a wholesome change soon. In time a larger amount of prison labour can be utilised in manufacturing useful articles, instead of the 50 per cent. now employed. And Government will find little difficulty in introducing the most comprehensive system of gratuities in jail administration."

The Hon'ble Sir Gangadhar Rao Chitnavis: "I am in a manner glad the Hon'ble Mover has drawn the attention of the Council to this subject, and in a general way the suggestion is worthy of consideration. While destitution is a predisposing cause of crime and recidivism, the sudden possession of cash may, and as often as not will, lead to excesses. The Hon'ble Mr. Dadabhoy has himself admitted the existence of some risk of misapplication of the funds the discharged convict may have at his disposal at the time of release. It is

not, however, waste of money only that is to be feared, but the manner of the expenditure might involve the man in future trouble, and it will depend upon its gravity whether he is sent back to jail or not. In the West also, with all the considerate treatment and moral training he receives during incarceration and the solicitude for him evinced by Discharged Prisoners' Aid Societies, the expenditure of the gratuity in drink is not unknown. It must be so. The released prisoner has generally a weak intellect and a weak moral fibre. He cannot be trusted to overcome temptation. His future 'good' can best be secured by thoughtful 'after-care' supervision. In India we have no machinery for this supervision. Even Prisoners' Aid Societies, bating the one in Calcutta, are absent. The difficulty is therefore great. At the same time it is undoubtedly desirable that some arrangement for the acquisition by the prisoner of marks and bonus by hard work should be made. It will be quite in keeping with the excellent record of Indian jail administration. The Hon'ble Member has referred to the good work done by the authorities on their own initiative. In the Central Provinces at any rate the Inspector General, Colonel Lane, has done much to relieve the distress and to minister to the moral wants of the jail population. Payment of gratuities is bound to come in these circumstances. The only point I would request Hon'ble Members to bear in mind is that any large concession cannot be made all at once with any prospect of permanent good. Doubtless a beginning may and should be made, but unless Discharged Prisoners' Aid Societies or some such agencies are established all over the country, any large scheme of pecuniary relief to a released prisoner with a view to set him up in life stands little chance of success. Western methods, in the matter of jail reform also, should be cautiously introduced and made to suit the peculiarities of the Indian situation. In my humble opinion, the Resolution may be given a trial, but care must be taken for the present to put the money allowed him under the rules in the hands of the relations of the prisoner or societies, if any, which promise to help him. With these observations I beg to support the Resolution."

The Hon'ble Sir Reginald Craddock : "Sir, it has been rather an unkind fate that, during the first very few days that I have had the honour of holding the appointment of Home Member, it has fallen upon me to oppose the proposals which Hon'ble Members have brought forward. It is much more pleasing to agree than to disagree, and although I shall always, even though the task be distasteful, uncompromisingly oppose any proposal which appears to be unsound or dangerous, yet it is a particular pleasure on this occasion to be able to go as far as is possible not with this very particular method that the Hon'ble Mr. Dadabhoy has suggested towards the end he desires, but to go as far as is possible to meet him half way to show that the Government fully sympathise in the movement to which he has drawn attention. The Hon'ble Mr. Dadabhoy's speech has alluded to the various efforts that have been made in Europe and America to enable discharged prisoners to comply as far as may be with the grand injunction 'let him that stole steal no more.' And, Sir, it is clear that a Government like ours cannot but be in full sympathy with any such movement. But we are bound to say that these measures which have been evolved in America and Europe are at present still in the experimental and tentative stage. There is always some risk that a desire to benefit the prisoners and to mitigate the severity of their punishment may among the classes concerned only prove a temptation to them to indulge further in crime. Particularly is this the case in this country, where the risk of encouraging habitual prisoners is so great that it may be extremely dangerous to embark on any policy which might render prison life insufficiently deterrent and even an encouragement to certain classes of prisoners to break the law. I daresay Hon'ble Members are aware that among the habitual prisoners it is no uncommon thing to describe the jail as their *'sasural'* (father-in-law's house), a place where they receive a certain amount of honour. Well that description may be very sarcastic, but from the point of view of habitual prisoners there may be something in it, and we should be very cautious before we do anything to encourage any notion of that kind. At the same time I most readily recognise the manner in which

the Hon'ble Mr. Dadabhoy has given credit to the Government for moving in these matters spontaneously and without any pressure from the public. There has been, although the advance may not be very great, but there has been some considerable advance in the desired direction. The reformatory schools that have been established are a case in point. The youths who leave the reformatory schools are in some Provinces at least looked after not by the police but by the Education Department, and provision is made in these schools to teach them some useful industry and to secure employment for them as apprentices and even to start them with a small stock in trade. As the Council will recognise, the youthful offender is the one who offers most hope of being won over from his ways while he is yet young. This step is carried a little further by movements that are on foot in various Provinces to separate the adolescent prisoner from the adult and to avoid as far as possible any contamination which the contact might cause. Now the case of the habitual prisoner stands on a different basis. It is very difficult to reform him. You cannot relax the deterrent character of prison discipline and prison labour. If you do, you fail in your object, which is to reduce crime, and although it might be desirable as some might think to provide even habituals with some money when they are released from jail, yet one cannot help feeling that in a great majority of cases any such generosity would probably be of no value. It is not a case of supporting a habitual prisoner for a few days only; it is a case of reforming his whole character.

"Then, Sir, I think Hon'ble Members of this Council will recognise that there are considerable differences between the West and East in this matter. In India we have not that same problem of unemployment which is so prominent in England where there are thousands of men seeking employment in vain. It is obvious that those to whom any stigma attaches have very little likelihood of succeeding in the attempt. But in this country, although we have our times of unemployment during famines and scarcities, yet I think the general experience of this Council is that there is no serious problem of unemployment; in fact, it is more the other way, the difficulty of obtaining labour. This is one difference. In the East there is no difficulty about obtaining employment. There is another difference which amounts to a greater obstacle in the West than in the East, and if I allude to this I feel sure that Hon'ble Members will not misunderstand me. In England undoubtedly a greater stigma attaches to a prisoner when he rejoins society, and as the quotation from the eloquent work (passages of which the Hon'ble Mr. Dadabhoy has read to us) has shown, the position of a man under that stigma is most unfortunate and disheartening. Well, Sir, in this country, the view of the East is somewhat different. Far be it from me to suggest that crime is regarded so lightly by the people that the nature and gravity of the offence is not recognised. The theory seems to me to be somewhat different. Their theory is that an offence against the State has been expiated when the sentence has been undergone, and that subject to ceremonial purification society should now pardon the offender. Well, Sir, there is a good deal to be said for that view. I am not at all sure that in this matter the East is not really wiser than the West. But, however that may be, the different point of view from which these matters are regarded makes all the difference to the way that Government have to face the question. The Hon'ble Mr. Dadabhoy has put forward one possible suggestion to meet the difficulty. There is no doubt something to be said on the side of allowing prisoners to feel that the work they are doing in jail brings them some reward. Well, Sir, that feeling is secured by the mark system, which enables prisoners who work hard and observe the regulations to earn a remission of their sentences and to make earlier the period of their return among their fellowmen. On the other hand, if we were to attempt any system of endeavouring to calculate the earning due to each particular prisoner based on the profits of the particular work he has done, the calculations would be almost hopeless. To begin with, prisoners are necessarily constantly changing their work and a particular piece of work may be the joint work of a number of prisoners.

There are other difficulties, as for instance the fact that some prisoners do not do productive work at all, which render it almost impossible to meet this particular object which Mr. Dadabhoy has suggested to us. And again there is another disadvantage that if we are to give any sort of pecuniary reward to prisoners, public interests certainly demand that in the first instance it should be confined to those who are really poor and needy, as there would be no object in giving small sums in this kind of charity to well-to-do or wealthy men. When a man on release from jail is going to spend a very large sum in order to be received back into his caste, money given to such prisoners would of course be thrown away. And then there are a great number of prisoners who return at once without any difficulty to the place in society which they formerly occupied; the cultivator goes back to his fields and the artisan to his loom or whatever may be the employment of his labour. But, as the Hon'ble Mr. Dadabhoy has pointed out, there are already in some of the Provinces provisions for giving a little assistance to prisoners on release or to enable them to earn something while in jail. One of these is the payment of wages, very small wages I admit, but still a payment of wages, to prisoners employed in some position of trust as convict warders or convict overseers. Now that is a very excellent provision, because any long-time prisoner who shows that he means to behave himself well is almost certain to be selected for a post like that of convict warder or convict overseer, and in that way, he is able to secure something against the time of his release. Then in one Province, the Punjab, to which the Hon'ble Mr. Dadabhoy has alluded, there is a provision under which small gratuities can be earned and needy prisoners are given a small sum, not exceeding Rs. 2, to enable them no doubt to get back to their homes and to give them a few days' subsistence. Well, Sir, we are not prepared at this moment to suggest any definite means or to incur any definite financial responsibility in the matter. Although there are such things as 'jail profits,' they do not really amount to profit in the strict sense of the term; they are merely intended as some sort of indication that jail industries are carried on in a reasonably business-like manner and not at a dead loss on account of the high cost of raw materials or special expenditure on supervision.

"The jail expenditure proper is roughly about 79 lakhs, of which about 14 lakhs are returned to the State. Consequently any measure in the direction that the Hon'ble Mr. Dadabhoy suggests is merely a matter, not in setting aside actual profits, that are now applied to another purpose, but merely one of increasing our total jail expenditure; and, with the large demands that there are now for the requirements of the free population—the non-criminal population—we might hesitate perhaps to add any substantial sum to our present expenditure on prisoners and convicts. But at the same time it is quite reasonable to ask, and we are quite prepared to discuss the matter with Local Governments, as to how far their present rules are liberal enough in paying convict warders, and how far arrangements are really satisfactory to enable an indigent prisoner on release to go back to his home and have at least a day or two's subsistence by him, so that he may look round and find employment, which, as I have said, will probably not be at all difficult for him to do.

"So far we are anxious to meet the Hon'ble Member in the way. I have suggested. Then comes the case of reforming habituals. There have been efforts made and small experiments started in some Provinces to try to appeal to the better nature of the habitual criminal by means of moral or religious instruction; but this is a very difficult matter, and one cannot at this stage express much confidence that it will be a success. We must, in a matter of this kind, look to the establishment of philanthropic agencies such as those which exist in Europe and of which, I believe, a solitary example is afforded by the Prisoners' Aid Society in Calcutta to which the Hon'ble Mr. Justice Stephen has so generously devoted his time and trouble. Well, Sir, if such philanthropic societies can be started, the Government will certainly do all in its power to co-operate with them. I is too early yet to say what form of assistance can be given, but there seem

to be little doubt that Local Governments will be quite ready to help in the matter, and if well-organised societies of this kind are brought into existence, societies which can be trusted to secure the objects that we want them to secure, namely, the reformation of the habitual prisoner, I think it is extremely probable that Local Governments will be sympathetic in the way of giving assistance to such societies either by offering employment or possibly by small grants-in-aid or other measures of co-operation. These, Sir, being the general lines on which the Government of India are ready to act to meet the Hon'ble Mr. Dadabhoy's wishes, I think, perhaps, it is not unlikely that in the circumstances he will not insist upon pressing to a division the particular kind of remedy which he has brought to the notice of the Council."

The Hon'ble Mr. Dadabhoy : "Sir, I must express my gratitude to the Hon'ble Home Member for the very sympathetic manner in which he has approached this important question and the promise he has given on behalf of the Government of India to inquire most carefully into the question. My object in bringing forward this Resolution before this Council was to bring to the prominent notice of the Government some of the disagreeable features of the present prison system. Under the regulations I could not do so unless I worded my proposal in some definite shape, and it was for this reason I had to word my Resolution in the manner I placed it before the Council. However, after hearing what has fallen from the Hon'ble Home Member, I entirely see the propriety of many of his observations, and in view of his assurance that the matter will be referred to the Local Governments and their opinions taken, and that some system will be devised for affording relief to prisoners, I have decided to withdraw my Resolution and not press it to a division."

The Resolution was withdrawn.

POLICE ADMINISTRATION.

The Hon'ble Mr. Bhupendranath Basu : "Sir, the Resolution which stands in my name is as follows, that this Council recommends to the Governor General in Council that a committee of officials and non-officials be appointed to inquire into police administration in India and the necessity for amending the law relating to confessions in criminal cases.

"The Hon'ble Home Member has just now said that he felt himself in an awkward position in having to oppose the motions brought forward by non-official Members. I hope that he will not be in that awkward position with reference to my motion, for it is not only humanitarian in the sense in which the motion that he has just now been withdrawn could be construed; but it is more than that. It seeks to confer a positive boon upon humanity in India. In rising to move this Resolution, I am sure that from my past utterances on this subject, which may have come to the notice of some Members of this Council, it will be apparent to my friends that I do not intend to make any sensational statements or pass a general condemnation on the Indian police or its methods. I have taken occasion, whenever necessity has arisen, to vindicate the police against exaggerated and unjust attacks. It is a great institution which has been of immense service to the country. At the same time its strongest defenders must admit that there are drawbacks and abuses in the system which require correction. I do not propose to go into an exhaustive analysis of the circumstances which have led to the existence and prevalence of these drawbacks and abuses; but I feel it my duty to place before the Council a general outline of the more striking features of the police administration—features which have made it unpopular in the past and threaten to detract from its usefulness in the future. On the occasion of the Budget debate of 1902, Sir John Woodburn, then Lieutenant-Governor of Bengal, observed :—

'The first and commanding requirement is the reform of the police. The police bears sorely on the people: they harass them; police exactions, police apathy, police inefficiency, are the universal complaints.'

"As my friends are aware, Sir John Woodburn was known as one of the most sympathetic rulers who have ever come to Bengal. Following this remarkable statement, coming from the head of one of the most responsible Provincial Administrations in India, the Government appointed a Commission with Sir Andrew Fraser at its head, known as the Indian Police Commission. The deliberate and unanimous opinion of that Commission was (I am quoting from its language),—

'The police-force was far from efficient: it was defective in training and organisation; it was inadequately supervised; it was generally regarded as corrupt and oppressive; and it had utterly failed to secure the confidence and cordial co-operation of the people.'

"The Commission found corruption rampant in the police even in the higher grades and dwelt specially upon their oppressive conduct towards the people; and in the summary of their general impressions, the Commissioners stated that there could be no doubt that the police-force throughout the country was in a most unsatisfactory condition. I am quoting them again:— 'That abuses are common everywhere; that this involves a great injury to the people and discredit to the Government, and that radical reforms are urgently necessary.' These reforms, they say, will cost much. The reforms were estimated to cost 150 lakhs; many of them have been introduced, and a considerable portion of the estimated cost provided. The question arises—has the time come since 1904 to review the operation and effect of the reforms which have been so introduced, and if the time has come, what is the general effect of such a review as regards the police administration of the country? We have now an Imperial Criminal Investigation Department with a Director at its head. We have got Inspectors General of Police in all Provinces with an adequate staff under them. We have got Deputy Inspectors General recruited from England; but I will put the question—and I put this question with some amount of confidence to the Hon'ble the Home Member: Have we got rid of the abuses? Has the police succeeded in making a better impression upon the public? Have its methods improved? In answer to these, bitter complaints still fill the columns of our Press, lamentable failures of justice in important cases, which unhappily have also been sensational, lend strength to the belief that the police are as ready to-day as before the reforms to act upon unreliable evidence, and confessions disregarded in Courts of Justice throw a lurid light into those dark corners where unhappy victims are put on the rack. More than this, organised raids have been made upon the innocent public in the metropolis of India, and the city of Calcutta was given over to hooliganism by the police for three days in succession, on the 2nd, 3rd and 4th October 1907. The Provincial Government of the day deputed an officer to hold a private inquiry which proved, as all private inquiries are bound to prove, wholly unsatisfactory, and the public of Calcutta appointed a commission of its own, presided over by a gentleman who commanded the confidence of the people and the Government alike—my friend the late Rai Bahadur Narendra Nath Sen, who was subsequently chosen by Government as the responsible head of that ill-advised and ill-starred venture, a subsidised newspaper for Bengal. The disturbances began on the night of the 2nd October and the finding of the People's Commission was to the effect that a large number of innocent persons were brutally assaulted or otherwise subjected to insult and rudeness without any provocation or justifiable cause. The report goes on to say: 'The incidents of the following day were without a parallel in the history of Calcutta. There was no meeting or gathering on that day, yet the fact remains that some fifty shops were broken or trespassed into, eatables and valuable articles including cash were looted or damaged, and further that innocent passers-by and tramway passengers were attacked, beaten and robbed. The evidence is conclusive and the offenders in some cases were groups of constables in their uniforms.' In the main, the Government of Bengal, it is thought, though prepared to concede that some constables and head constables—they use peculiar language—'got out of hand,' the Government upheld the action of the police. This was followed by an unparalleled midnight raid on the town of Mymensingh in East Bengal by the police, acting under the direction of their superior officers. It read like a romance, but nevertheless it was a fact. Houses and shops were looted and

the people brutally assaulted. There also, in the absence of any outward indication of any action by the Local Government, a People's Commission sat, recorded the evidence of the sufferers and submitted a report to the Government of Eastern Bengal and Assam, where no doubt it was thrown into that contemptuous oblivion to which popular representation in this country have generally been relegated. The case of Gulab Bannu in the Punjab must be in the recollection of many of our friends here. She was charged with having poisoned her husband. She had made a confession admitting her crime, which she retracted, first before the matron of the jail, then before the hospital assistant and the Civil Surgeon, and formally before the District Magistrate. She stated that she had made the confession under excruciating torture of the most revolting kind. The woman was found guilty of having murdered her husband and was sentenced to death by the Sessions Judge. On appeal, two English Judges of the Chief Court set aside the conviction, and in their judgment they referred to the confession which they said was most probably extorted by torture which would be unmentionable except in a legal document or a legal journal. They commented on the circumstance that the evidence that was favourable to the woman was held back, and they recommended an inquiry into the conduct of the police. Nothing was heard of this inquiry until nine months later; the Executive Government of the Punjab issued a Resolution discrediting the views of both the Judges of the Chief Court and the testimony of the jail doctor and completely exonerating the police. The enquiry held was private and the world outside knows nothing as to how it was held or who were examined. The Hon'ble Judges of the Punjab Chief Court took the almost unprecedented course of saying that they would reply to the inquiry in open Court. On the 20th of November 1909, five years after the reform of the police had been instituted, a carefully prepared order recapitulating the facts and asserting that the inquiry had not been conducted in the way suggested by them was issued by the Chief Court. They particularly noticed that for three or four days the poor woman was taken by the police away from the jail without any warrant and was returned to the jail in a deplorable condition. Let us hear how the Executive Government treated the pronouncement of the Chief Court. It said: 'If Your Lordships find yourselves unable to concur in his decision, the Lieutenant-Governor regrets that it should be so, but so far as the Government is concerned, his decision is final and as such has been communicated to the head of the police.' In the meantime the poor woman had died within a month of her acquittal by the Chief Court in January 1909, and the public knew nothing of it until nine months later. I do not seek to go into this gruesome history of particular cases, for if I attempted it I would tire your patience and exhaust my energies. I took these cases at random as an illustration of the general attitude of the Government of this country towards the police, an attitude which was given expression to by the Under Secretary of State for India, the Master of Elibank, in February 1909 in the House of Commons:

'The number of punishments inflicted appeared to show that the responsible officers are exercising proper supervision and enforcing discipline over the force drawn from an Oriental population. That being so, the Secretary of State deprecates inquiries which may have the effect of lowering in the public estimation a body of men who were really doing their best in difficult circumstances and upon which the public rely for their security.'

"I may observe in passing that some stress was laid in this statement on the fact that the force was drawn from an Oriental population. There are other bodies of Oriental people even in India where it has not been found difficult to enforce discipline. We have not heard of complaints in this respect of the Indian Army or the Indian labourer. The true explanation must be found elsewhere. Take again the prosecutions which the police started. They must have taken—they should have taken—more than ordinary care in the prosecution of political or semi-political cases. For apart from their general importance, these cases have a great significance, namely, that there was something wrong somewhere in the body politic which led to these political crimes. In these cases it was not only the accused that were on their trial, but the Government also, if I may say so respectfully, was on its trial, and it was so felt by the Government, for during the last three years the Government of Bengal spent about

9 lakhs and the Government of Eastern Bengal 3 lakhs of rupees. I shall not refer to the salient features of the Midnapur case, some aspects of which are still before Law Courts for decision, but I hope I shall be permitted to refer to facts which have become matters of history and have been disposed of by Courts already. There was an information laid against a large number of people—154 I believe; 24 of these were proceeded against. I make no other charges against the police in this connection except that of carelessness in not verifying with sufficient care the information given by the informer upon which they relied, for, as it must be in the recollection of my friends here, after the examination of the informer in the Lower Court, the Learned Advocate General applied to withdraw the case against the 24 men against whom it had been instituted, except three men who were convicted on their own confessions, but even they were acquitted by the High Court. I shall not refer to the language of the judgment. It has become almost historic. In one part of the judgment, referring to the general character of the evidence upon which the conviction had been secured, 'who would be safe,' says the High Court, 'if we were liable to be convicted on a charge so wide and supported by evidence so indefinite.' In the Howrah Gang case, to which I may refer with a sense of greater security, out of the 36 people, I believe only 5 or 6 were convicted. My friend the Advocate General may correct me if I am wrong, because I am speaking from memory. In the Barrah Dacoity case, the perpetrators of the crime—my friend Mr. Lyon is here, he can correct me—the gang committed a dacoity in a house in Barrah in Eastern Bengal in the course of which they killed two men. They seized a boat in the village in which they made a river trip of 70 miles; they were pursued by 60 villagers and the chase lasted a whole day. The police produced four suspected persons, all of whom were acquitted by the Special Tribunal which under a special Act and under special circumstances had been provided by this legislature. I need not recall the horrors of the Rawalpindi case, where elderly and respectable persons were kept in confinement for many months during the hottest part of the year before they were honourably acquitted by the trying Magistrate. If in the case of these men the police put forward evidence which was treated as manipulated, one can easily imagine that in ordinary cases, which do not attract any attention, the practice may be pushed too far. It can be said that in these cases the subordinate police was alone responsible: for having regard to the seriousness of the charges and importance of the cases and their effect upon the public mind, the higher police-officers must have been guiding their course. Passing from this class of cases where evidence is more or less put forward and proved to be unreliable, we come to a very large class of cases where convictions are mainly obtained upon confessions. In the ordinary criminal cases of the country, their name is legion; only here and there and now and again a story of an extorted confession comes to light, where probably the victims have suffered severe injuries which could not be concealed, or where, as in the recent case at Poona, the victim pays the forfeit of his life. In delivering judgment on September 6th last year against the policemen in the Poona case who were put on their trial, the Sessions Judge said that such cases were usually difficult of detection and Indian experience must bear him out; in a few cases, though they come to light, many pass unnoticed and unheeded. I am afraid that the Hon'ble Mr. Montagu, relying on the rarity of torture cases, wrote his letter in which he says that these cases were very rare exceptions in the Court and every effort was made to prevent recurrence. He lost sight of the fact that they were like small flotsams indicating an immense wreck swallowed by the silent waters of the sea. It may be asked what may be the motive of the police in subjecting the poor victims to torture. The answer is plain, to lighten the work of the police, to get an easy conviction and escape the consequences of non-detection of a crime; in fact the police are so put out if a case, say, of ordinary theft in a house, is reported to them for the worry it involves in finding out the culprit and recovering the property and they make it so uncomfortable for the house-holders who venture to report, that it is a matter of common experience in this country that many such cases are not reported at all. It may be asked, it has been asked by a European gentleman unacquainted with

the conditions of our country, as to why, if there are cases of torture, they are not reported to the Magisterial Courts. It is a proverb in my country 'that if you are living in the water, do not quarrel with the crocodile.' It is seldom that the police apply their methods of torture in the public gaze. Unlike Absalom, they do not commit offences on the housetops of Jerusalem; they are practised in the enclosures of the police-stations, in secret chambers or cells, and if a case were laid, it would be impossible to get evidence, and if evidence were available, where would the poor man in this country go to lodge his complaint? Which thana would take down his complaint, and if the complaint could not be proved for want of evidence—for it is just as easy for the police to procure evidence as to shut it out—what would be the fate of the poor man and his friends? Apart from open violence, they will be subjects of frequent reports and they will soon be reduced to a state of outlawry. It is only as in the recent Poona case that a man ends his life by jumping into a well to escape torture, that a case comes to the notice of the superior authorities. In dealing with another aspect of the question of the reform of the police, I shall refer to a case not very long ago disposed of by the Chief Court of Burma known as the Kirwan Murder case. Four persons were accused of having murdered a man named Kirwan and convicted by the Sessions Judge of Tennaserim and sentenced to death. Sir Charles Fox, the Chief Justice, observed that the first statements of the Burmese villagers were correct, and the judgment goes on to say 'if they were correct, the circumstances of the blood, etc., found in the jungle and the box containing Kirwan's remains lying in the Chaung were manufactured and suspicion arose that all the manufactured evidence was an appalling mass of perjury.' There is a significant passage in the judgment which is worth considering: 'If there had been', says the learned Judge, 'any real investigation into the case and if there had been some one to recognise the intelligent consideration of the evidence which had been brought forward by the subordinate police and the courage to decide that such evidence was of such a dubious character that no reasonable person would act upon it, probably the real facts attending Kirwan's death might have come out later on and the four men who, I cannot think, had nothing to do with it would not have been deprived of their liberty for over five months with a charge of murder against them. The *Statesman* newspaper, which until the recent announcement regarding the change of capital was one of the greatest exponents and most capable supporters of existing institutions, in noticing this judgment, observes:—

'The Chief Justice of Burma here indicates that had the superior police been capable and firm the case would not have been sent before a Magistrate. But it is equally clear that if the Magistrate had been a trained lawyer accustomed to weigh evidence dispassionately and carefully, the case would have gone no further. It is certain, moreover, that if the Sessions Judge had performed his duties satisfactorily, he would have dismissed the charge with a severe rebuke to the police. The same thing may be said of scores of cases which come before the High Courts on appeal. The appeals would be quite unnecessary if we had Magistrates and Judges who had been trained for judicial work. Hence the separation of judicial and executive functions, and the special officers, must be regarded as essential to the reform of the police. As long as the police find that perjured evidence and extorted confessions will answer their purpose, they will resort to these methods instead of making any attempt to investigate crimes, and when they discover that half of the cases are invariably shattered by learned Judges who care only for the legal merits of their evidence, slowly and surely they will learn that honesty is the best policy. We hope that when the Government of India take into consideration this pressing problem of the police reform, they will give due regard to the close connection between judicial competence and police inefficiency.'

"I am nearly coming to the end of my speech. Coming to the Criminal Intelligence Department or Investigation Department, the successor of the Thagi and the Dacoity Department, the public are only able to see its operations in regard to political crimes—deportations without trial, house searches without any success, prosecutions ending in acquittal in the more important cases, surveillance without any apparent cause, espionage even in the zenanas, domiciliary visits at all times of the day and night, shadowing of respectable people, quartering of the punitive police, and generally the creation of unrest. These are the features so far as we public are able to discover of the Criminal Intelligence Department. I am glad that the gentleman now at the head of

this Department has done all that man can do to control the work of the Department and to check abuses; but he is one among an army and I am not quite sure if he will not frankly admit that he is often times misled. The recent visit of the King-Emperor must have clearly demonstrated to the outside world that the thing called 'unrest' that loomed on the Indian horizon for the last five or six years and that shadowed the life of the people and was responsible for the passing of measures so un-English in their character was more or less a bye-product of the armoury of repression. I have referred only to a few instances in the police administration of the country. It is no use multiplying them, it is no use laying the colours too thick. I have gone into them to the extent that I felt was absolutely necessary. It may be a vain hope in this country to expect the realisation of the ideal that the policeman should be regarded as a friend and not as a dangerous individual not to be talked to except when absolutely necessary; but I know that Government is sincerely anxious to work for this ideal. Those who accused the Government as such of desiring to shield the iniquities of the police are guilty of the grossest calumny. It is difficult, however, to separate the instrument from the hand that yields it, the tree from the fruit; and the mass of people to whom the police is the embodiment of Government naturally ascribe their ill-fortune at the hands of the police to the Government itself. This is after all not an altogether unjustifiable idea, for if the machinery is defective the manufacturer cannot escape the responsibility. In India, especially in ancient times, any calamities like famine and pestilence were ascribed to the sins of the rulers. This feeling must be exceptionally strong in the paternal form of government which prevails and which is the pride of the Anglo-Indian official. The Committee I have suggested would look into the question in the light of experience gathered since the last Commission sat and suggest further remedies to remove defects which are candidly admitted."

The President : "I must now ask the Hon'ble Member to stop."

The Hon'ble Mr. Bhupendranath Basu : "I wanted to read a quotation from a Government publication, but as my time is up, I stop."

The Hon'ble Mr. Madge : "Sir, there can be no doubt whatever that the dark places of the earth are full of the habitations of cruelty, and I should not be worthy of my place in this Council if I withheld my sympathy from the victims of such cruelty, whether they were reported from Siberia or from the hamlets of Bengal. The difficulty which men of open mind have in dealing with a double-barrelled proposal of this kind, when an attack is made upon the subordinate police, and rather serious reflections are also cast upon the British Government, is just this. We are dealing with conditions in this country in which, at least as Englishmen believe, a higher standard of morality has been applied to a lower. Whether this is true or not is a different thing. People may differ in opinion, but that, I believe, is the feeling of English officials in this country. Now, Sir, the police in this country, as I have had occasion to remark before, cannot be expected to have a morality above the class to which they belong in this country, and the offences that come to our notice in connection with the police are not worse than the dacoities which have occurred and are committed by the educated young gentlemen who speak in English and who go to villages in Bengal armed with good weapons and commit riot amongst their own countrymen, and rob them and ill-treat them. Whose fault is it, Sir, that the educated young men of this country who commit these crimes have no higher standard of morality than the lower orders of this country? I wish to be as inoffensive as I can in dealing with a difficult subject of this sort, but what those of us who ponder these deep problems are forced to consider is that public opinion in this country does not stand by the Government in great and serious crises such as those which occurred two or three years ago. Would things have occurred here if the whole of Indian society had stood by the side of Government and come forward boldly and denounced and helped to detect all the crime that was then committed, whether in the police or in higher

grades? I stand in a sense between the two classes with a real, an earnest and sincere feeling for both, and I must say that the opinion is very general in among thinking men in this country that a very great deal of the crime which is committed by persons who are not in the police would not have been committed if educated and intelligent gentlemen came forward boldly, and courageously stood by the Government, and did their very best to suppress all manner of crime. My reason for recalling an unpleasant occasion is this I think if the police of this country are to be improved, it will not be by foreigners passing laws—no man can be made an angel by Act of Parliament—but by the people themselves, the educated men in this country, doing their very best to raise the standard of morality all along the line, and they will succeed in doing so if they will import more moral earnestness into social life and concern themselves less with political lights. I do honestly believe, Sir, that a very great deal of energy is thrown away in what are considered political reforms that are really not adapted to this country and that, if it had been directed to the raising of the moral standard of this country, far greater happiness would have been secured to all classes. I know of course that in making remarks of this sort here I lay myself open to severe criticism; but that is a sort of criticism to which men accustomed to stand alone do not attach the slightest importance. Nothing would please me better than to see all classes in this country, even the very lowest, adopting higher standards of morality than those which may prevail among them. Only yesterday frank confessions were made by Indian Members of evils pointing to not very high standards prevailing among persons not of the lower orders. They have thus themselves pointed to the low standard that does prevail somewhere, and until some organised effort in social reform is seriously taken up by the Congress and bodies of that sort, which devote too much attention to political reform, I think very little good can be expected from the handful of Englishmen trying to do their best for the millions of this land. As regards the quotations that have been made from Sir John Woodburn and earlier papers, I think they are rather irrelevant on an occasion like this because they were followed by the Police Commission and the reforms that have since been undertaken; and it is premature, I should say, to judge the whole effect of those reforms until some few more years have passed. But here I must repeat that no reforms that are imposed upon people from outside are likely to have a lasting result unless the people of the country help in carrying out true reforms all over the country. We have been reminded just now that it is not only the weapon, but the hand that wields it, that is responsible; but we have also been reminded that we must judge matters not only by the fruit, but by the tree. What is the tree upon which acknowledged evils grow? Is it the foreign Government of the country? I think that if some of our able Members, with many of whose remarks here I thoroughly sympathise, were to go a little deeper into some of these questions, they would find that the tree from which a good deal of evil results in this country is not the foreign Government that labours under enormous difficulties, but something much nearer home."

The Hon'ble Malik Umar Hyat Khan: "Sir, I will only say briefly what I think about this Resolution. No doubt the necessity is felt that there should be a marked change in the way of carrying justice, and that is why one feels necessitated to bring this matter up, now and then in the form of such Resolution or otherwise. As there is something wrong somewhere, people begin to differ in their views.

"Some accuse police, some accuse Magistrates, some accuse witnesses, some accuse the lower standard of the morality into the country, some think that it is from want of education, but I attribute it to the defective law and procedure now exercised in the Courts which is unsuited in many ways for the needs of our country and its present stage.

"A law of a separate nation based on separate sentiments and devised for a separate age or for people of different ideas and religions cannot suit another which differs up to some extent in every form.

"When such a law is being practised, no wonder all those connected in carrying it out in their respective capacities in turn have to suit to its requirements and unfortunately get blamed. To prove this I can easily get into the details, but the experience of Members of these last few days is contrary to making long speeches. I do not think there is very great necessity for inquiring into the police administration after the Police Commission, but I do feel the necessity of a thorough inquiry into the whole administration, particularly the law and procedure.

"As the inquiry proposed may lead to throw some light on the matter that I have just said, I am ready to vote for it though even the overthrow of the Resolution may be a foregone conclusion."

The Hon'ble Mr. Mudholkar : "Sir, in making a speech on this Resolution, I would like to say that as the facts are so patent and many of the evils which have been pointed out by my friend the Hon'ble Mr. Basu are so well known, it only needs a reply from Government as to the action they propose to take. I feel compelled to take part in the debate only on account of certain considerations advanced by my friend to my left. I do not know, Sir, how the fact that the people of this country are wanting in public spirit, that they have not got moral courage or that the standard of morality amongst them has not advanced sufficiently, that the tree is to be judged by its fruits, and that the Indian police are vicious, because Indian society practically is vicious. I say I cannot understand how these assertions can help practical administration. Government, Sir, have to take the people as they are. They have to face the problem of the existence of very serious difficulties. Nobody denies the necessity of the police; nobody denies that in the majority of cases they are of the utmost help; nobody denies the necessity of reposing very great trust and confidence in them. In spite of these facts, we have to remember that there occur very serious scandals which the Government have got to face. And amongst them one which has come into very great prominence of recent years is the very great resort that is made to confessions and the very great resort that is made to suborning of evidence. Will it at all help the purposes of Government, if the complaints which are made in regard to this matter are brushed away by the argument that the people are wanting in public spirit or in moral courage? The Government, as my friend has pointed out, have to bear the blame for the defective working of the police. As one who feels that his whole life and the life of everyone who has an interest also goes with the Government, I consider that it is their duty to face the question boldly. I think it is a very serious state of things when you find that a solemn statement, a pronouncement, made by such a high body as the Chief Court of the Punjab is discountenanced by the Head of the Executive Government. That is not at all a desirable state of things. And if anything demonstrated the need of a free, open and public inquiry, it was this kind of thing which took place in the Punjab. I do not wish, Sir, to trouble the Council by saying anything more, but I do think that a case has been made out for a thorough inquiry and alteration of the law under which confessions made by persons while in the custody of the police are admitted in evidence."

The Hon'ble Mr. Dadabhoy : "Sir, I came to this Council this morning with an open mind, and if there was any bias it was a bias in favour of the Hon'ble Mr. Basu. If he could have convinced me that the suggested inquiry would be a panacea for all the evils connected with police administration, I should certainly vote for his Resolution. I myself do not hold the police administration of the country in the highest admiration. I know there are several matters connected with that which are capable of reform. I am fully conscious of that. But I do not for a moment believe that an inquiry of the nature suggested would be of any value, or that it would be productive of any practical results. I am in entire sympathy with the latter part of the Resolution as regards the necessity for amending the law relating to confessions in criminal cases. And if the Resolution were broken up, or if the Hon'ble Member referred to only that part of the matter, I should have certainly supported it. I have

no doubt the Hon'ble the Legal Member, who has had large and very extensive criminal practice, will also bear with me when I say that the law relating to confessions, at any rate, requires immediate amendment; at any rate, a fuller investigation into the matter is necessary. I do not agree at all that a Committee would be very necessary for that. My friend has no doubt pointed out some of the worst features of the police administration. But I say that an examination of the criminal administration of the various countries would probably shew the presence of the same features in all of them. You cannot, unless you have a very high standard of morality in the service—and in the present state of Indian conditions it is absolutely impossible—you cannot expect that high standard of morality in the service; and unless that is attained, it is impossible that any great reformation would be achieved.

"There is only one observation of the Hon'ble Member with which I must entirely dissociate myself. The description which he has given of the Criminal Investigation Department is one which I am not at all prepared to accept. At any rate, I would not be doing my duty to my constituency of the Central Provinces if I omitted to state here that the Criminal Investigation Department in the Central Provinces did excellent service by breaking the backbone of sedition under the energetic control of Sir Charles Cleveland. Any general observations of that nature, condemning a whole department, would be most undesirable, and would not be conducive to any good results. As I said, Sir, if the Resolution had only consisted of the latter part relating to confessions, I would have warmly supported it. But as I feel confident that a Commission will not be productive of any material good, that it will involve the country in a huge expense, that even if a Committee is appointed, proposals will be made which will not be practical, and that, after the full report of the Police Commission presided over by so able and energetic an officer as Sir Andrew Fraser, much scope has not been left for further inquiry into the matter, I consider it my duty to oppose the Resolution."

The Hon'ble Mr. Lyon: "Sir, when I came to the Council to-day I had no intention of addressing it on this subject, but with reference to one particular case that has been dealt with by the Hon'ble Mr. Basu I feel it necessary to say a few words. I do not think that any official Members of this Council or any other Members who have had anything to do with police administration can be out of sympathy with the general wishes expressed by the Hon'ble Member. But the action of the police in all countries is constantly being brought into question, and I think that it is unavoidable, when we consider their responsible and dangerous duties and the class of people with whom they are constantly brought into contact, that they should frequently be subjected to public criticism. We need not feel surprised, therefore, that we have also the same public criticism to deal with in India, and I am sure that the Hon'ble Member would not wish to conceal the fact that in other countries we meet with the same phenomenon, or to suggest that the Indian police, manned and officered as it is mainly by his own countrymen, is possessed of a double dose of original sin. But while the Indian police thus do their responsible work amidst many difficulties, the Hon'ble Member has himself acknowledged how valuable that work is and how much we are indebted to them. We can surely claim, therefore, that we and all other Hon'ble Members who deal with charges against the police should exercise the greatest care and circumspection in dealing with the evidence upon which those charges are based, and it is for this reason, Sir, that I have risen to recount certain facts with reference to one of the cases referred to by him.

"The Hon'ble Member briefly referred to this incident, which he described as an unparalleled midnight raid by the police on the peaceful people of Mymensingh, during which houses and shops were looted. He went on to say that no action was taken by the Local Government, and that it was consequently necessary for a People's Commission to be appointed to inquire into the matter, that they inquired in the absence of any inquiry by responsible authorities—

and made a report to the Government which was treated with silence and contempt. The Hon'ble Member is incorrect in saying that no action was taken by the Government, and I think that if he refers to his notes of the case, he will be able to verify this himself. Long before the People's Commission appeared on the scene, full inquiry had been undertaken by a magisterial officer in Mymensingh—an officer whose sympathetic treatment of other similar cases has met with the approval of Indians and Europeans alike. This officer took all the evidence available relating to the incident in question, listened to all complaints, and made careful local inquiries, during which he recorded everything shown to him as evidence of damage or disturbance caused by the police. It was subsequent to this inquiry, I think about ten days, or perhaps a little longer, after the occurrence of the incident, that the self-appointed People's Commission came up to Mymensingh to make its inquiry. I say 'self-appointed' merely as stating a fact. It had in the nature of the case to be self-appointed, unless its nomination by a well known Calcutta newspaper may be held to constitute appointment. It was a Commission of two, one of whom, the *magna pars*, was the Hon'ble Mr. Bhupendranath Basu. They came up and made their inquiries in Mymensingh, but they were busy gentlemen and they could not apparently give very much time to the matter, and I believe I am correct in saying that they were in Mymensingh for two days or two and-a-half days only. They recorded an enormous number of depositions, and a careful calculation made at the time suggested that they were only able to give from two to three minutes to each witness. The witnesses were examined in a private house, surrounded by the gentlemen who had interested themselves in making some clamour about these events; there was no cross-examination of the witnesses, and the record of the evidence itself shows that no attempt was made to test or check their statements in any way. A local inquiry was also made by the People's Commission during their stay, and with reference to that local inquiry, I need, perhaps, relate one story only. The magisterial officer who made the inquiry for Government was asked by a shopkeeper to examine his house, which he alleged to have been visited and looted by the police. The man pointed out the destruction and confusion that he attributed to the police, and this was duly noted. On the next day, when the Magistrate was going to Court, the shopkeeper asked him, now that his house had been examined, if he might put his things in order and go on with his business. He was told that he certainly might do so, and he accordingly put his things in order and went on with his business. Some days later, however, it was stated that the shop would be visited by the People's Commission, in order that they might see the damage which had been wrought by the police; the shopkeeper then obligingly disarranged his furniture again and the house was examined by the People's Commission, the damage and confusion being recorded by them as having been caused by the police. That, gentlemen, I know to be a fact, and indeed, with reference to all these matters with which I am dealing, I think I may say that I am dealing with facts within my personal knowledge, as the whole case was gone into by myself immediately afterwards with the report of the People's Commission before me.

"Now, Sir, I will not say to this Council *ex uno disce omnes*, or suggest that the other cases which have been referred to by the Hon'ble Member rest on similar evidence, but there can be no shadow of doubt that the facts in this particular case are entirely different from those which the Hon'ble Member would wish the Council here to believe.

"I do not know what reply will be given by the Government to the Resolution which has been proposed, nor will I weary the Council with my own personal ideas on the general question; but I thought it my duty to lay the facts of this particular case before the Council and to demonstrate that the Hon'ble Member has not exercised his customary sobriety and legal acumen in dealing with it. And with reference to the Hon'ble Member himself, I may add that I will not libel his high reputation as lawyer by suggesting that he himself believes that the evidence recorded on this occasion by the People's Commission was worth more than the paper upon which it was recorded."

The Hon'ble Mr. Carr: 'Sir, this Council is asked to recommend to the Governor General in Council the appointment of a Committee to inquire into police administration in India and the necessity for amending the law relating to confessions in criminal cases. The appointment of such a Committee presupposes the existence of very grave abuses and drawbacks, and in the opening of his speech the Hon'ble Mover referred to these abuses. No one, I think, will deny that such abuses do exist, and the Hon'ble Mr. Basu quoted, in support of his statement, a paragraph from the Indian Police Commission Report in which these abuses were referred to. I think it would have been well had the Hon'ble Mover gone on with the same paragraph, because the words in that paragraph would in my opinion have answered the motion that he has laid before the Council. I quote from paragraph 201, which the Hon'ble Member has quoted :—

'The Commission are not sanguine enough to believe that their proposals, even if fully adopted, will result in the immediate removal of all cause of complaint. These reforms can in any case be only gradually introduced; and years must pass before their full effects are realised. Inferior men have to be got rid of in all ranks; and evil traditions have to be broken in the force. The attitude of the people towards the police, and public opinion in regard to unrighteousness and corruption, have to be raised. Of this the Commission are fully aware; and the members can hardly expect themselves to see the full introduction of all the reforms they propose, still less to see their full results in improved police administration. But even a generation of official life is a short period in the life of a people; and the Commission believe that, before that period expires, very substantial advantages will have resulted from reforms carried out somewhat on the principles they recommend. What is required is the definite adoption of a policy based on such principles, and determined persistence in giving effect.'

'I submit, Sir, that the Hon'ble Member in moving this Resolution has entirely ignored the reforms which have been introduced in consonance with the recommendations of the Police Commission. I think it may possibly facilitate the deliberations of this Council if I lay before them the present position in the Madras Presidency from which I come. Reports on police administration are issued for the calendar year, and the latest report which is to hand is for the year 1910. The order of the Government of Madras on this Report is dated 27th October 1911, and in accordance with the usual practice, this has been laid on the Editor's Table and is doubtless in the hands of the Hon'ble Mover. The conclusion at which the Madras Government arrives is that although only five years have elapsed since the issue of orders upon the Police Commission Report, the work of reform in the Madras Presidency has been nearly completed. The Government order says :—

'The cost has been heavy, but the Governor in Council trusts that experience will prove that the money has been well spent. An improved stamp of investigating officer has undoubtedly been obtained—men of better education and of higher moral standards. The majority of them are lacking in experience, but that is a fault which will soon be removed.'

'Now, Sir, what is the work of reform which has during the last five years been carried out in the Madras Presidency? The unit of control in Madras is the police-station, and prior to the introduction of the reforms these police stations were in charge of head constables on pay varying from Rs. 14 a month to Rs. 25 a month. The head constables were themselves controlled by inspectors on pay varying from Rs. 70 a month to Rs. 300 a month. There was no intermediate grade, and the grade of inspector was recruited to a certain extent from the subordinate grade of head constable. It will be found in the Report of the Commission that one of the main causes of the abuses laid bare by that Commission was the subordinate agency then employed in investigating crime. The action taken under the recommendations of the Commission has been to improve that agency, and the new grade of sub-inspector—an entirely new grade so far as Madras is concerned—has been introduced, officers on pay of Rs. 50 rising to Rs. 100, and these sub-inspectors have now replaced all the head constables in charge of police-stations throughout the Presidency. The effect of this change has been to reduce the number of police-stations. It follows naturally that if you put an officer of Rs. 50 to Rs. 100 in charge of a station, he must have a larger area of control than a subordinate officer on Rs. 14 rising to Rs. 25; for financial reasons, if for

no others, this reduction in the number of police-stations was necessary. The Hon'ble Mover referred to the general position taken up by the public in this country in regard to the police, and I think he gave us to understand that they did not regard the police as their friends. With your permission, Sir, I will read again from the Madras Government order, which states the present position in my Presidency. The order says:—

'The Madras police organization formerly differed from that of the rest of India in two important features. The first was the large number of police-stations; the second, the absence of the rank of sub-inspector, with the consequence that all police-stations were in charge of head constables who conducted investigation of offences under the supervision of a relatively large body of inspectors on comparatively low pay.'

"The order then goes on to say that these stations have necessarily been reduced in number.

'The Governor in Council greatly regretted this necessity, for he recognised that many people would be deprived of that easy access to the police which they had hitherto enjoyed. How much they appreciated this convenience and the protection afforded by the presence of a police-force has been shown by the representations that have been made in practically every case against the abolition of police-stations under the re-allocation scheme. On the other hand, the public will now have the benefit of a higher class of investigating agency which it is hoped will go far to remove the abuses which formerly existed.'

"I think, Sir, that if a refutation of the statement of the Hon'ble Member regarding the attitude of the public towards the police is necessary, the report and the order of the Madras Government thereon give the necessary refutation.

"There have been other reforms besides the creation of the sub-inspector. The pay of the constable was raised in the mufassal from Rs. 7 to 8 and in the City of Madras from Rs. 8 to 9, and although this is a very small rise it is still a matter of considerable advantage to the constable. The grading of head constables has been revised in order to suit the revised conditions under which they now work, and a far more important change has been made by the introduction of a new grade of Deputy Superintendent, on pay ranging from Rs. 250 to Rs. 500, and rising still further, if these Deputy Superintendents are placed in charge of a district, to Rs. 900 a month. This new grade has provided for Indians of standing and education a good opening in the police, for the recruitment for these Deputy Superintendents is largely direct. But the essential change recommended by the Police Commission may I think be labelled as the evolution of the investigating sub-inspector, and the success or otherwise of the reforms which are now being introduced will depend very largely on the success of this system.

"I do not think I need go into statistics. The Hon'ble Mover has referred to various cases in which he considers that the police have abused their powers. Well, if I may say so, quotations of such a nature are really irrelevant to the present issue. What we have to consider is whether the Government is carrying out in a liberal spirit the recommendations which were made by the Police Commission. As regards statistics, I am glad to say that this was one of the several bogies destroyed by the Police Commission. The statistical bogie has been a terror to all police-officers in time past, and it has now been recognised fully that figures showing the averages of detection and the numbers of convictions by the Courts are not the only test of the efficiency of a good officer.

"As regards confessions which are referred to by the Hon'ble Mr. Dadabhoy, I would only say that it seems to me that, if it is necessary to reform the law of confession, the proper way to do it is by the ordinary method of introducing legislation in this Chamber."

The Hon'ble Mr. Shamsul Huda: "Sir, I do not think there is any one in this Council who is acquainted with the incidents of village life in this country who can say that he is fully satisfied with the methods of the police. Twenty-five years experience in the legal profession has not, I confess, given me that satisfaction.

"At the same time, I realise that in recent years the police have done good service to the country and that gradually there is an improvement in the tone and the morale of our police-force; but all the same the administration of police is probably the weakest point in the administration of British India, and I would support any proposal which I thought would, to any extent, improve the methods of the police. I am not, Sir, however, any great believer in Commissions, and if I do not support the Resolution moved by my Hon'ble friend it is because I think that a Commission can do very little good in this direction. I think that greater vigilance and supervision exercised by the superior officers of the police, the strengthening of the village panchayats, and other measures of this nature will do much more good and will help in improving the police much more than a Commission can do. It has been said by some Hon'ble Members of the Council—and but for those remarks I would not have thought myself called upon to take up the time of the Council—that after all the police-officers are men of our own country, and if they go wrong the blame must be on our own shoulders. Sir, those that make such remarks forget that there are departments other than the police which are manned almost exclusively by men of our country, and the purity of the administration of these departments have not been challenged at any time. Take the Judicial service. Do not the men of that service belong to this country? Can any one deny that my countrymen have done in this respect service the quality of which has been recognised by the highest authority? Place a man getting a small salary of Rs. 50 in a position which give him such unlimited power as the police have in matters of investigation, and I am afraid that most men under such circumstances would yield to temptation. It may be that the finances of the country do not permit of greater improvement, but we must take facts as they are, and human nature as it is: and it is certain whenever you put a man in the position of a police-officer with such power over illiterate people, I think the same consequences will happen in any country. Well, Sir, as I have said, we must depend on greater supervision and to a great extent on the prevalence of better education amongst our countrymen for improvement in the methods of our police."

The Hon'ble Sir Gangadhar Rao Chitnavis: "Sir, I came with an open mind, and no desire to speak; but I feel constrained to say a few words after what has fallen from the Hon'ble Mr. Basu. I think I should oppose this Resolution. I think it would have been better if the Hon'ble Mover had waited for the results of the reorganization undertaken by Government on the recommendation of the Police Commission before he proposed a fresh Commission. We must admit that there are defects in police administration, but we must also admit that administration has improved during the last twenty years; and if the past is to be the guide for the future, it may be hoped still better results will follow. I do not know much about Bengal, but I know this much, that there were peculiar circumstances connected with the political situation in Bengal which made the position of police there rather more difficult than elsewhere; but if we examine the police administration of other Provinces, I believe the Hon'ble Mr. Basu will find that he has no urgent grounds for moving his Resolution. I speak for my Province, and I think we find that there is no immediate necessity for a fresh inquiry. I associate myself with everything that has fallen from my friend Mr. Dadabhoy as regards the operations of the Criminal Investigation Department in my Province, and I oppose the Resolution."

The Hon'ble Sir Cecil Graham: "Sir, before recording my vote on this Resolution, I should like to associate myself to a great extent with what my friend the Hon'ble Mr. Madge has said. So long as the people of this country—I am talking of the poorer classes more especially—do not come forward and help themselves by taking upon themselves the public duty of coming forward and giving evidence and helping the police, so long these abuses must crop up. At the same time, it is impossible that these abuses should not occur so long as the public do not come forward and help the police in their investigations and

give them the benefit of all the evidence they can. The mover of this Resolution has quoted many decisions in criminal cases which have been upset on appeal in the High Courts. Well, Sir, there is a very general feeling, I think certainly among the community which I represent, that the standard of evidence required in Bengal is one which is very nearly unattainable, and which may almost be called quixotic. Sir, I think, what goes to prove this to a certain extent, that we do not find in the Courts of other Provinces that these cases are being upset or thrown out in quite the same way."

The Hon'ble Mr. Gokhale: "Sir, I rise to support the Resolution which my Hon'ble friend Mr. Basu has moved for the adoption of the Council, and in doing so I would like to say at the outset that because non-official critics of the police administration of this country deem it their duty to make complaints about the character of that administration, whether in this Council or outside, they should not be understood, on that account and by reason of that fact only, to lay the blame of the defects of that administration at the door of the British Government as such. I am free to confess, Sir, that the police administration in Native States is as bad as in British territories, if anything, even worse; and I will go further and say that from such records as we have of pre-British days, for instance, at Poona, which was at one time the capital of the whole Mahratta Confederacy, things were as bad as in these days. The difficulty in discussing this question calmly arises from the fact that when a complaint is made about the defects of the present day police administration, high English officials deem it their duty, owing to the very peculiarity of their character,—and that is really one of the strong points of their race,—to stand by the instruments whom they employ and interpret such criticism as directed against themselves, and that imports feeling into a discussion which otherwise might very well be conducted without feeling. It is quite true, Sir, as has been pointed out by several Hon'ble Members, that the inquiry by Sir Andrew Fraser's Commission is a comparatively recent inquiry; but since the Commission reported, two questions have come very prominently to the front. One is the manner in which confessions are obtained and the general unreliability of such confessions, and the second is the manner in which the work of the new Criminal Investigation Department is done. As regards confessions, the Under Secretary of State for India stated some time ago that the Government of India were considering the matter, and that an amendment of the law on the subject would shortly be undertaken. And I, for one, expected that this session legislation would be introduced on the subject. Very probably the Law Member is going to take part in this debate. I see he has been taking notes. At any rate, I hope he will, and I trust he will tell us when the legislation outlined by the Under Secretary for India will be produced. As we have been assured that the Government themselves are considering this question, I think my Hon'ble friend, who has moved this Resolution will be satisfied if a statement is made as to the intentions of Government on the subject.

"The other question, namely, the operations of the Criminal Investigation Department, stands on a different footing. When Sir Andrew Fraser's Commission inquired, the Department was not constituted on its present basis. In reply to a question which I put last year in this Council, the late Home Member laid on the table a statement showing the growth and cost of the Department from year to year since 1905, when the Department was first created. The cost has been going up very largely, but that is a financial matter which I do not want to raise today. What I however want to say is this. The Department, on its present basis, has been in existence for the last seven years and there is so far no sign that its operations would be curtailed. Now, Sir, I am free to admit that during the somewhat anxious times through which the Government had to pass during the last few years, it was perhaps necessary for the Government to devise a machinery whereby they could keep in touch with the various movements that existed or were being started in the country. I am speaking with special reference to the political branch of the Criminal Investigation Department. I am also free to admit that while there was room

for anxiety in many directions, and the activity of the Department, such as it was, was at its highest, it was perhaps no time to undertake an inquiry into what was going on. Of course many things have been done by this Department which should not have been done; many reports have been submitted which ought not to have been submitted; many individuals have been shadowed, harassed and falsely accused, who should never have been subjected to such treatment. As long, however, as there was any room for anxiety, the Members of this Council refrained from urging an inquiry into the methods or operations of this Department. But, Sir, everybody now admits—the Government itself admitted this last year in the course of the discussion on the Seditious Meetings Bill—that things are settling down, and very rapidly settling down; and if any pointed proof of it was further required, it has been furnished by the demonstrations of loyalty which greeted Their Imperial Majesties on all sides, when they recently visited this country. And I am quite sure that there is now no serious difference of opinion on the subject between officials and non-officials, that both alike think that things are settling down and that there is not the same necessity for the Government to feel anxious as they perhaps had during the last few years. Surely, then, now is the time when an inquiry should be made into the operations of a department which is causing the utmost irritation among the people—especially among the educated classes—in a manner, of which I do not think that the Government have a very clear or adequate idea. Sir, my Hon'ble friend, Sir Gangadhar Rao Chitnavis, the 'ideal citizen' of Central Provinces as we were told yesterday, a man happy in the consciousness of high official appreciation, has just asked us to believe that in the Central Provinces the Criminal Investigation Department is all right. Well, Sir, what will the Council think if I state—and I do this on most excellent authority—that even my Hon'ble friend has not escaped the attentions of this Department, to which he has just given a certificate and has not escaped anxiety on account of its operations? Even he had reason to complain that he was made the subject of an adverse confidential report, which was brought to his notice before it could do him any harm, because he has friends among officials, but which did cause him very considerable anxiety at the time!

"I will give the Council another instance of how the Department is no respecter of persons. My Hon'ble friend to my left,—Sir Vithaldas Thackersey,—a man respected alike by officials and non-officials, a man who generally keeps to non-political activities and confines his utterances to subjects which are specially his own, expressing himself, no doubt, with independence, but evoking the respect of all by his utterances,—even he has been honoured by the attentions of this Department. My friend went last month to visit Dacca. He went there, as this is the last session of this Council that will be held in Calcutta, and he thought that as he might not come this side again, he should go and see Dacca. And he went there just for a few hours merely for the purpose of sight-seeing, as the guest of the Nawab of Dacca, and from there he went further to Chittagong to acquaint himself with the possibilities of that place as a port, and a centre of trade. Well, a day or two after he left Dacca, a paragraph appeared in one of the Dacca papers—I had copy of it sent me, and I sent the cutting to Sir Vithaldas—saying that some police constables belonging to the Criminal Investigation Department were sedulously making inquiries about one Sri Vital Das Thakur Das (that was the way how his name was put in the paper) about the object of his visiting Dacca and what he was doing there. Now, Sir, if people like Sir Gangadhar Chitnavis and Sir Vithaldas Thackersey do not escape the attentions of this force, is it any wonder that more humble and less fortunate persons like myself fare worse than this? As a matter of fact I must say I have been receiving such attentions for a very long time, but I have always taken it as in the day's work. My life is frankly given to national work, and I am free to recognise that the Government may think it necessary to keep in touch with all who are engaged in such work. What we are entitled to expect, however, is that the men, who are employed in this duty, shall do their work in a less clumsy and offensive manner than that in which they do it at present.

I will give the Council an illustration from my personal knowledge. I belong to a society of young men—I mean the other members are young men, though I am myself getting on in years—which has been brought into existence to supply a long-felt want, namely, that of young men, trained in the study of public questions, and engaged in public work in various fields as wholetime workers. Now we may be right or we may be wrong in our view of things, in our estimate of the requirements of the situation. We have made up our minds to serve our country according to our lights, and we are prepared to accept the full consequences of our choice. And if the Criminal Investigation Department of the Government wishes to keep in touch with our movements, let it do so by all means; but we are certainly entitled, as peaceful citizens of this country, to expect that we should not be subjected to undue annoyance. Now, Sir, some time ago one of the members of our society went to the United Provinces to take part in the famine relief operations. He did such excellent work there in that connection that Sir John Hewett thought it necessary to recognise the work in his Famine Report; and yet this gentleman was subjected to such open and continuous annoyance by the men of the Criminal Investigation Department that ultimately he had to complain publicly of it in the papers. He was not only openly accompanied by these men wherever he went, but one of them began to go the length of insisting on sitting on the coach box of hackney carriages engaged by him for going about. Another member of our society had, for a long time, a cyclist detective assigned to him. The gentleman in question is not even a fast walker—and rather inclined to be corpulent—and an ordinary policeman, walking at an ordinary pace, might well have sufficed for this purpose; but the Department assigned a special cyclist to him. Now, Sir, though I am speaking somewhat lightly of the matter, all this is really most grossly offensive—to put it no stronger than that. I do not say that they should not watch our movements, if they want to do so, though I strongly feel it is most foolish that Government should thus let loose a number of unscrupulous men, such as most of the Criminal Investigation Department men are, on innocent people. But, in any case, it is necessary that all this shadowing should be done in a less offensive and less clumsy manner. Again, Sir, the reports submitted by these men are secret. Nobody knows what is contained in these reports, and everybody's good name is at the mercy of these people. I know of a report which was once submitted against me and for which there was absolutely no foundation. I came to know about it simply through the courtesy of the Political Secretary to the Bombay Government, who happened to entertain a kindly feeling for me. I had made a speech at a mufassal place in the Bombay Presidency. Sometime after, I happened to meet this officer at a party, and he asked me to go and see him the next day in his office. He then asked me what things I had been saying, and he put the report into my hands. I was amazed to read it. I told him that I had never said any of the things attributed to me. He laughed and said, of course he knew that I could not have said such things and he never took the report seriously. Now, Sir, this officer discredited the report because he knew me personally. But for one man whom these officers know personally, there are ten, a hundred, a thousand men whom they do not know, and against whom reports are daily submitted—reports on which officials very often act. It is therefore necessary that an inquiry should now be ordered into the operations of this Criminal Investigation Department. The fact is this: a number of uneducated and in many cases unscrupulous men have been engaged for the work. The work is necessarily regarded as disreputable and is looked down upon in every society. A man who goes about surreptitiously and tries to find out behind the backs of people something about them, must necessarily suffer from that disadvantage. Therefore you cannot get good men for this work, and I recognise that that constitutes a serious difficulty; but some way must be found out of it. For great irritation and bitterness is being caused in the minds of thousands of innocent people by the dangerous and unscrupulous activity of the Criminal Investigation Department men. Therefore, Sir, an

inquiry must now be immediately undertaken into the whole of this business—into how these men are appointed, what their qualifications are, how they perform their duties, what supervision there is on them, and what reliance is placed on their reports.

"The very fact that things are settling down again, makes such an inquiry all the more necessary. For these men have to justify their existence, and, therefore, in the absence of anything really worth reporting, they are sure to make up things which do not exist and report them to the Government. I, therefore, strongly support the motion of my Hon'ble friend."

The Hon'ble Mr. Mazharul Haque: "Sir, it is with pleasure that I rise to support the motion before the Council. I know the fate in store for this Resolution which is the usual fate of all Resolutions in this Council. We get an enormous amount of sympathy from the official side and afterwards they are all unceremoniously thrown out. Sir, the police question is a very difficult question, and at the same time a delicate question, to deal with. There are two parties who take different views of this question. One is the popular party, the party of the people, and the other the party of the Government. The popular party thinks that there is no good in the Indian police, that they are a sort of human fiends, and that there is no salvation for them. The Government, on the other hand, thinks that there is no praise too high for its police-officers, and accordingly always supports them. My position in this matter is between the two. I do not for a moment believe in all the adverse criticisms which are passed upon the police. I may say that during my professional career, which now extends to nearly two years, a long expanse of one's life, I have had great experience of the working of the police in this country, and I gladly bear testimony to the fact that latterly the morale of the police has enormously improved. The corruption which existed only a few years ago is almost non-existent. Let it be understood that I am speaking of my own province, of which I have got full knowledge, and therefore I am speaking of Behar only; I cannot possibly be an authority on other Provinces. There was a time when the police were all-powerful in this country. I remember an old story, which is still on the lips of almost everybody in the country,—that there was a poor old woman who was arraigned for some offence before a District and Sessions Judge. After a lengthy trial she was found to be innocent and acquitted. The poor old woman in her gratitude wanted to give her blessings to the Sessions Judge. She thought over it, and the blessing that she gave was 'May God Almighty make you a daroga.' (A 'daroga' means a sub-inspector of police.) Those days, when the daroga had superiority over the Sessions Judge in the mind of the people, are gone. Then there are numerous songs in the country which testify to the power of the police in bygone days. There is a very popular song in Behar—I believe the Hon'ble the Law Member remembers it—in which a love-sick maiden is entreating the daroga to tell her on what pretence he has arrested her lover. That time is also gone. In my humble opinion, the morality of the police has certainly increased; but at the same time I do not agree with the Government. We find year after year Local Governments issuing their reports in which they whitewash their police entirely. There are no better class of men than the police, they are doing good work, and no criticism should be offered about them. I repeat that I do not agree with this view. Sir, it has been urged in this Council that why should we Indians take objection to the administration of the country on the police side, as the police-force is mostly manned by our own countrymen? I was surprised, nay, I was much grieved, to hear the sermon which has been preached to-day by the Hon'ble Mr. Madge, and I regret that with that sermon the Hon'ble Sir Cecil Graham associated himself and sympathised. The Hon'ble Member talks about the morality of my countrymen. He considers that because Indians are immoral, therefore the police-force is also immoral. Sir, I resent the insult on behalf of my countrymen. The same remark was made by the Hon'ble gentleman at Simla, but I let it pass. The offence

has been repeated, and I shall not let it pass this time. My countrymen do resent such gratuitous insults, and I hope this is the last time we have heard it in this Council, and people will be very careful in future, when they get up in this Council or anywhere outside it, not to insult India and her people. Sir, is it not a fact that although the police-force is mainly manned by my countrymen, I say is it not a fact, that the superior service in that force is the close preserve of the Europeans; so much so, that we are now altogether forbidden to enter the higher grades of that force? They are all recruited from England. It must be in the knowledge of the Hon'ble Mr. Madge that a great many inspectors of police are recruited from the ranks of the Imperial Anglo-Indian community to which he has the honour to belong. Sir, it is not true that because the police are manned by Indians, therefore they are immoral. Sir, the heads of the Department, the Superintendents of Police, the Assistant Superintendents of Police, the Inspectors General of Police, the Deputy Inspectors General of Police, are all Europeans, and they must bear any criticisms which are offered against the police, and the greater part of the criticisms too. Sir, it is not the individual officers of the police who are to blame. It is really the system which is at fault—the system under which these people work. What is the system under which they work? It is a system which is certainly not fair to them. They have not got the chance of working honestly. Yesterday I was making certain remarks about gentlemen who are called the strong men of the Civil Service. Now, what happens when a strong man is gazetted to a certain district? The police know that the strong man is coming, and they are all in a flutter. The gentleman goes with the laudable desire of suppressing crime in the district. Nobody can quarrel with him in that desire; but what actually happens is something like this. On his arrival, say, a riot is unfortunately committed in which a man is killed. He passes very stringent orders that the culprit or culprits should be brought to justice. The police take up the investigation, and they find during the course of their inquiry that there were two parties to the riot; one party was the aggressive party, and that was the party of the complainant. If the police send up the accused, the only result would be that there would be an acquittal. What are the police to do? Here is the strong man who wants that there should be a conviction. I do not mean a conviction upon false evidence; that is certainly not his idea. And here are the police who think that if they send up the accused on true facts there will certainly be an acquittal. Now, they try to make up a case. They suppress a certain part of the evidence which will go against the prosecution case and add a little which will go to strengthen it. The result is that there is a beautiful case made out. There may be some substratum of truth in it, but it is difficult to find out. Eventually it is sent up to the Courts of Justice. Well, there has been one miscalculation in all this on the part of the police; they have entirely overlooked that pestilential class of people who are called lawyers. These gentlemen are trained in sifting evidence. The moment the brief is put up before them, they find out what part is true and what part false, and lay great stress upon the part that is false. The result is that in cross-examination the case is smashed up; and then this despised class get the whole blame. The officials think that they should be at once banished and deported to Mandalay. They are no good to the country; they interfere with justice. As a matter of fact, the Police are at fault, they have sent up the case supported with false evidence, and it is bound to be smashed up. This is the system which prevails at present in the country. As long as the Government do not insist that the pernicious principle of 'no conviction no promotion' be abolished, so long the police will never improve.

Sir, a few words about the Criminal Investigation Department. I am not a great admirer of that Department, and I do not think that they have done much good to the country. In every petty offence, they see or imagine that they see the bogey of politics. I will give just one instance and the Hon'ble the Law Member is the best man to corroborate me. I refer to the incident of the railway smash-up which took place near Neora, at a place almost within sight of the Hon'ble the Law Member's country house. I have got personal knowledge of the facts of the case. The inquiry was intrusted to a very honest police-officer, who went

to the place, made careful inquiries, found that there was absolutely nothing political in the accident, and he sent up his report accordingly."

The President : "I am sorry to interrupt the Hon'ble Member. He has exceeded his time limit, and he must sit down."

The Hon'ble Mr. Jinnah : "Sir, after the speeches that have been made by the Mover and the other Hon'ble Members, there is very little left to be said on this Resolution. I want to make it quite clear to the Council that I do not wish to enter into controversy of either racial, national or personal character; and I think it is not desirable that the questions that come before this Council should be viewed from that point of view by any one of this Council. Each question that comes here, comes here for the consideration of the Council on the merits. It is neither a question of English people or Indian people, but it is a question which affects the administration of this country. And we are here all, whether English or Indians, here with one desire, namely, whether there is a particular evil, whether there is a particular system which ought to be altered or the evil ought to be remedied. And, Sir, I am going to deal with the Resolution entirely on the merits of the question and the arguments. The Hon'ble Mr. Basu has given numerous instances pointing out the evils of the system of the police administration. To those instances I beg the liberty of adding one more very recent one. In Bombay we had recently a trial of a great nobleman, the Chief of Hoti; what is known as the Hoti Mardan case in Bombay. This gentleman is highly respected in Northern India and I believe, one of the wealthiest men in his place. Sir, this gentleman was brought down to Bombay on a charge of abduction along with two others. He was placed before the Presidency Magistrate on that charge, and the Presidency Magistrate refused to release him on bail. After the evidence had been completed before the Presidency Magistrate, he, along with two others, was committed to the Sessions Court in Bombay; and after three days of trial the Advocate General representing the prosecution had to withdraw the prosecution against this gentleman. It came to this, Sir, that the prosecution broke down completely, and I think that it is well known in Bombay, and I think it is also well known in Calcutta, that the presiding Judge made the severest remarks against the police in Northern India. He was surprised that this case should ever have been launched in any Court at all. Now, there it was I think a European police-officer who was responsible for launching the prosecution. Therefore, Sir, it is clear that along with the numerous instances which the Hon'ble Mover has given, and this recent one which seems to me that it has done the grossest injustice to this nobleman, for which I do not know that he has got any remedy that is worth considering. Great evil does exist. Now the question is—what is the cause of it? There must be something wrong somewhere. Therefore, is it too much for the Hon'ble Mover to ask this Council to appoint a Commission to inquire into this case? A Commission consisting of officials and non-official members may be able to make very useful and very practical suggestions, which might, if not eradicate the evil altogether, palliate the evils that exist at the present moment.

"Therefore, Sir, on these grounds I support that part of the Resolution.

"As to the second part of the Resolution, namely, the amendment of the law of confession, I have very few words to say. The Hon'ble Mr. Basu, unless I failed to catch him or understand him, did not make the point clear on what part of the law regulating confessions amendments are necessary, and I for one do not know as to which portion of that law requires amendment. I know, Sir, of two recent instances, one I think in the case decided in the Madras High Court, and one instance in Bombay. Of course it is well known that a confession made in the presence of police-officers is inadmissible in evidence. In Bombay, in a case recently, a confession was made to a non-policeman, but a police-officer happened to be standing above on the verandah. The confession was made to a non-policeman down below, and the police-officer came into the witness box and wanted to give this evidence. It was said that the statement was not made in his presence, he only happened to be on this verandah and over-

heard the conversation. That was rejected by the Court. Another case was in Madras where it was attempted to have a confession admitted on the ground of corroboration, namely, that you cannot give it in evidence as a confession, but you can give it by way of corroboration. But, Sir, if there was any need to regulate the law relating to confessions of accused persons, it is open, I think, to the Hon'ble Member or to any other Member to bring in a Bill to that effect in this Council or to amend any part of the existing law. And probably if the attention of the Law Member be drawn to the evil, if any, that exists in this respect, I have not the slightest doubt that the Hon'ble the Law Member will be the first to rectify the law in that direction. But why usurp this Council of its proper functions and leave a matter of this kind to a Commission when we can do that ourselves here? Therefore, Sir, I do not understand the latter part of the Resolution. I support the first part of the Resolution."

The Hon'ble Nawab Abdul Majid : " Sir, I have heard the speech delivered by the Hon'ble Mr. Basu with great interest, and I came to this Council with the intention, if possible, of supporting the Hon'ble Mr. Basu in his Resolution. But after hearing the remarks made by the Hon'ble Mr. Basu and hearing the violent attacks which he has made, I thought that it was time that I should change my mind and oppose this Resolution. Sir, I am not one who holds a brief for any police-officer. I know that there are defects in the police administration, and probably I know much better than my friend the Hon'ble Mr. Basu. I am a zamindar myself and I am very often in touch with the police officers in the mufassal stations. I know what sort of people they are. There are honest people among them, and at the same time there are objectionable people also amongst them; there are black sheep everywhere. But to attack an administration wholesale, I submit, Sir, is a large indictment which this Council could not for one moment countenance. Besides that, assuming that the police administration is not up to the mark, and assuming that you want reforms in the police administration, the whole question is whether the machinery proposed by my Hon'ble friend will meet with proper results. I submit not. It is well known what is the result of these Commissions and these Committees: they result in nothing but waste of time, in waste of labour and in waste of money. Supposing that this Resolution of my friend is admitted in this Council and it is passed in this Council, what will be the result? There will be a meeting for sometime held, there will be witnesses examined and lot of public time and public money wasted, and the ultimate result will be that we will have to wait for sometime to see the outcome of it. We have already had a Police Commission and now the question is, how far the reforms as a result of the deliberations of that Commission have been carried into effect? It is impossible to carry the whole thing with a jump. We want a great deal of reform in the police administration, and I must state to the credit of Government that they are doing their utmost in the matter. I myself know that the police-officers at present are not what they were sometime ago; there is a great deal of improvement in them; the police-officers now are not the same sort of people that they were ten years back. The whole question is, how to reform the police administration, and I for one am of opinion that the machinery proposed by my Hon'ble friend will not meet the object for which he puts forward his Resolution. With these few words, Sir, I oppose the Resolution."

The Hon'ble Pandit Madan Mohan Malaviya : " I do not agree, Sir, with the Hon'ble the mover of the Resolution if he thinks that a Commission is needed in order to examine the whole question of the police administration. We recently had a Commission, and I think it is too early to ask for another Commission. But I do think that a Committee may usefully be appointed to bring before the Government some of the points connected with the administration of the police for their consideration. It will be generally conceded—I think it is—that the present police is better than the police which

it has replaced. I think it is also conceded that the police of the present day is immensely better than the police of a few years ago. That there has been an improvement, and that that improvement has been steadily going on, are matters for thankfulness; and I think that there is a general desire to acknowledge this with gratitude. At the same time I think it ought freely to be recognized that the improvement which has been effected leaves a great deal more yet to be desired. I do not think that the Government and the non-official Members of this Council are really in disagreement on this point. I think it is recognized that despite all the improvements that have been effected, despite the larger number of higher officers that have been employed, and the increase of salary that has been given to certain grades of police-officers, and the improvement which is recognized, the present state of the Indian police leaves a great deal more to be desired. The truth is progress in the police department has not kept pace with the general progress that has taken place in other departments of the administration. If that is so, if the measure of progress is not satisfactory either in the general body of the police or its new offshoot, the Criminal Investigation Department, the question is, what is the cause of it? I must here join my friends who have protested against certain remarks which have been made in this Council suggesting that if the police are as bad as they are, the reason is to be largely found in the fact that they are drawn from the Indian people. It has been quietly assumed that the general standard of morality among Indians is so low that you cannot reasonably expect a higher standard of morality among the police. Now I will ask my Hon'ble friends who have made those remarks or have associated themselves with such remarks, to say whether they honestly believe that the general standard of morality among the Indian people, villagers or townsmen, is half so low as would be indicated by the flagrant cases of immorality that come up occasionally from the police department, to the regret of the public and the Government. The general standard of morality among the Indian people, villagers and townsmen, is certainly not lower than the standard of morality prevailing in any other civilized country; and I believe that if the statistics of criminality are compared, it will be found that crime in India stands at a much lower figure than it stands in some other countries which are regarded as very advanced in civilization.

Sir, in no spirit of offence but merely with a desire that such criticism should never again be repeated, may I remind these friends that the state of affairs which existed for a long time in the administration of this very country in the days of the East India Company, clearly proves that it is not the race or creed of any particular people which can be held to be responsible for the state of morality which might be found at a time to prevail in a class of public servants, but that the conditions of the particular service, the emoluments and the environments in which they might be placed,—it is these which largely, if not wholly, determine the standard of morality which prevails among them. I submit, Sir, that if the conditions of service and the environments in which the police have to work are improved, the Indian policeman will be found to be not inferior to his brother in any part of the world in his regard for decency and fair play.

“Next arises the question, what is the true remedy for the state of affairs we all deplore? It is not that the non-officials and the Government are at cross-purposes here. It is the desire of every Member of the non-official body who has spoken here as much as the desire of every Member of the Government to improve the police administration. It is a matter for thankfulness that there has been a great deal of improvement in many departments of State. It is a matter of regret that the improvement in the police department has not kept pace with that in other departments. What is the best means of securing that improvement. That is the question. I take it, Sir, that the object of my friend in bringing forward this motion is to draw attention to the necessity for a further consideration of the question with the view that some more suitable and effective remedy might be found for the defects of the police administration, rather than that

there should necessarily be a Committee or Commission appointed to go formally into the question. In that light there are some points that have arisen in the debate which are worthy of consideration. Of course it is much more easy to point out the defects of the existing system than to suggest remedies for them. And I for one must confess that I am not ready with them. But there are some matters which deserve consideration. It has been remarked by one of the Hon'ble Members who spoke before me that the people must also help in this matter. I entirely endorse that view. I think, Sir, it is true that the people have generally to be brought to learn and to think that it is a part of their duty to the community as a whole to help in tracing out crime and getting it punished. I think that efforts are not altogether wanting in this direction. I believe that in some parts of the country at least humble efforts have been made from time to time to make the people understand that it is due to themselves and to the community, that it is for the welfare of the community, that crime should be fearlessly pointed out and brought to book. At the same time it should be remembered that there is a great gulf at present between the people and the police department. Unfortunately, notwithstanding the great improvement to which the Hon'ble Mr. Carr has referred, and which is most undoubtedly acknowledged, the police still seem largely to labour under the impression that somebody must be punished for every case of crime that is brought to light; they feel that it is a reflection on themselves, on their capacity and ability if they are not able to find some person to be punished for every crime that has come to light. I am quite willing to believe that the higher Government officials responsible for the administration of the police department in the various Provinces have been making efforts to disabuse police-officers of that impression. But I think, Sir, a great deal more still remains to be done in that direction. The general body of the police require to be educated to a better sense of their duty in the matter of tracing out crime and having criminals punished.

"Then there is another aspect of the case which deserves consideration. In the old days the village police was the unit of the police administration. The policeman served the village well when he was under the direct control of the village panchayat. It is unfortunate that the village Panchayat has ceased to exist. I agree with my friend the Hon'ble Mr. Shafi that that is one direction in which a beneficial change should be re-introduced. The policemen require to be taught to think that they are not responsible to the district official or to the District Superintendent only, but also to the men of the community they are appointed to serve, and that their continuance or promotion or good name in the service would be seriously affected by the opinions of the respectable men of the community regarding their work and character. If they are taught to think like this, a great deal of change for the better will be brought about. Therefore, Sir, it is desirable to give village panchayats some power to associate leading representatives of the non-official community both in towns and villages, in some way which may be considered to be proper, in supervising or overlooking police administration, and bringing the acts or omissions of the police to the notice of the authorities without exposing themselves to any necessary risk, though without having any formal voice in interfering with their work. What particular form of procedure should be adopted is not easy at once to suggest. But I submit that the fact that there is a great deal of complaint still existing against the police, and that that complaint is justifiable, calls for further inquiry. I do not mean to say that Government are not giving any attention to the matter. But the matter calls for a little closer, a little more earnest, attention and inquiry than perhaps it is receiving, and it also calls for the association of some non-officials with such inquiry, whether it is held in the committee room or in any other way that the Government may think proper.

"This much so far as the general body of the police is concerned. I must also say a few words regarding its new offshoot, the Criminal Investigation Department. A Criminal Investigation Department has probably existed, under one name or another, in all civilized countries. It existed several thousand years

ago in the days of the Hindu empire in India. There were the *chans* and *dootas* going about to find out what was going on among the people and reporting what they thought should be reported to the Government. Nobody can reasonably object to their existence ; but they ought not to become a nuisance. And now that the regrettable stress and storm of the last few years has passed away, the Government should reconsider the situation, better define the nature and scope of the work of the Department, and introduce changes to ensure that it shall do its work in a respectable and unobjectionable manner. That it often fails to do so at present cannot be denied. My friend the Hon'ble Mr. Gokhale has mentioned some cases to show this. I will not take up the time of the Council in referring to many more cases, but I will mention one of the same kind mentioned by Mr. Gokhale. Not very long ago when the Hon'ble Mr. Gokhale was putting up in Allahabad with Dr. Tej Bahadur Sapru, members of the Criminal Investigation Department were seen for several days together hanging about the place evidently to watch the movements of my Hon'ble friend. I submit, Sir, this kind of silly surveillance unnecessarily creates a bad impression among the public regarding the Government, and it can and ought to be avoided by the exercise of a little better control over the department and its organisation in a better way. I think the time has come when the Government should take some non-official Members into its confidence, even in revising the scope and nature of the work of the Criminal Investigation Department and in improving it in such a way as to prevent, as far as possible, the abuses of the object with which the Government have created it. With these few remarks, I support the motion for an inquiry, formal or informal, into the police administration with a view to its further improvement."

The Hon'ble Mr. Syed Ali Imam : " Sir, the Resolution that is before the Council divides itself into two parts. The first part of it relates to the question of an inquiry into the police administration of the country, and the second part relates to the inquiry tending towards the necessity for amending the law relating to confessions in criminal cases.

" As regards the first branch of the inquiry, I have no doubt that it will receive treatment by my Hon'ble Colleague the Home Member. He will deal with that branch on its own merits, and it is unnecessary for me at all either to forestall him or to express my views in regard to that suggestion of the Hon'ble Mr. Basu. I am more closely connected with the second branch of the inquiry, and I find it absolutely necessary that I should place before the Council one or two submissions in regard to it.

" The Hon'ble Member has not yet favoured us with any suggestion as to the lines on which he thinks this inquiry should be directed in order to obtain an amendment of the law of confession in criminal cases. He places before the Council a lurid picture of the various transgressions, and in some cases even iniquities, committed by the police. They may be so or they may not be so, but when the Council is seriously asked to appoint a Committee of inquiry for the purpose of going into such an important subject as the law of confession, and the Council is asked that there is a necessity for the amendment of the law, it does appear to me that the Hon'ble Member has not quite done justice to me or to my Department in withholding from the Council either the lines on which he thinks this Committee should be appointed or the suggestions that should go before the Committee for the purpose of investigation. But I think that I have a better case to put before the Council, and it is this, that even if the Hon'ble Member had done this, that is to say, he had foreshadowed the grounds on which the inquiry was necessary, or that he had furnished the Council with the points on which this investigation he thought was desirable, even in that case I think I should be within my rights to put before the Council a serious point of objection. The point of objection that I raise is, that to appoint a Committee of inquiry for a purpose of that kind and to put that suggestion before this Council, which is a

Legislative Council, is to ask this Council, practically for the time at any rate, to delegate its duties to this Committee. I do not think, Sir, that there is any occasion to appoint a Committee to inquire into the amendment of the law of confession in criminal cases. What the Hon'ble Member can do, and if he is so anxious that it should be done, is simply to introduce a Bill in this Council. This Council, with the help of the Hon'ble Members present here, will consider that Bill, and my friend may have my assurance that after he has introduced that Bill, it will receive the most earnest consideration at the hands of the Department I have the honour to represent. When we have got a ready machinery like this Council, when we have got a machinery whose proper function is to go into questions like this, it seems to me that the suggestion is somewhat foreign to the purposes that this Council has to serve. Whether my friend will be so far fortunate as to obtain from this Council sanction to the commitment of his Bill to the Select Committee is a matter upon which the Council will decide, but I may give him the further assurance that should he be so successful as to obtain that commitment, in the Select Committee again every consideration will be given to his Bill. Therefore, it seems to me that however much or however less desirable it may be that there should be a general inquiry and investigation into the police administration of the country, it seems to me that so far as the second branch of the Resolution is concerned, it will be futile to appoint any Committee. I venture to think that the Hon'ble Member, after he has considered my submission, will think that there is some justice in the remarks that I have made bold to put forward. This Council is responsible for legislation, this Council is competent to legislate, and this Council ought to consider what legislation is necessary. It is for this Council to consider whether a Bill like that would serve the purpose of the country and will be useful to it. I am unable therefore to accept the second part of the Resolution with which alone I have dealt. I think it is opposed to the position and prestige of this Council."

The Hon'ble Mr. Muhammad Shafi: "Sir, when I came to the Council Chamber this morning, I had no desire to take up the time of the Hon'ble Members in connection with the discussion upon the Resolution now before the Council. But two things have happened during the discussion upon the Hon'ble Mr. Basu's Resolution which have induced me, with your permission, Sir, to take just a few moments of the time of this Council.

"I desire, in the first place, to associate myself as strongly as possible for me with the protest which has been entered against certain remarks made by an Hon'ble Member of this Council casting reflections upon the integrity and the character of our countrymen. Sir, it seems to me that a people who have produced——"

The Hon'ble Mr. Madge: "Sir, I must offer a personal explanation. I did not make any such reflection as to the integrity of the people of this country."

The Hon'ble Mr. Muhammad Shafi: "I fully accept what the Hon'ble Mr. Madge has said just now, but my remarks were really not intended to apply to what the Hon'ble Mr. Madge had said; but they were addressed to the Council in connection with the observation which fell from the lips of another Hon'ble Member, and if he is prepared to withdraw the reflection which his words at any rate seem to cast upon the Indian character, then I shall have nothing further to say about this particular incident. Sir, it seems to me, as I was going to say, that a people who had produced men of the highest integrity such as the Right Hon'ble Mr. Amir Ali worthy to sit upon His Majesty's Privy Council, who have produced men who have been considered fit to occupy the high position of Councillors of the Secretary or State for India, men who have been considered fit to be appointed to the Executive Council of the Government of India, men who have shed lustre upon the benches of the various High Courts in India, and have administered justice impartially and faithfully

for several years past, I say that a people who produced men of that type and that stamp need not really take any serious notice of the observation of the kind which have been made to-day and can well afford to ignore them. Therefore, I pass on from this incident to what has just fallen from the lips of the Hon'ble the Law Member.

"The Hon'ble the Law Member was, I think, perfectly justified in saying that it would have been very much better if my learned friend Mr. Basu had indicated the exact directions in which he wanted the law relating to confession, to be altered. My friend, the Hon'ble Mr. Jinnah, was unable to see any necessity for any alteration in the law relating to confession, because according to the rules laid down in the Indian Evidence Act, no confessions made to a police-officer are at all admissible in evidence during the trial of a case, and according to him the High Court of Bombay has gone a step further and held that a confession made to an outsider, to a man not a member of the police force but to a non-police man in the presence of a policeman, is inadmissible in evidence. I may say that the same decision has been pronounced by the Judges of the Punjab Chief Court in three judgments reported in the Punjab Record; but the confession which I think the Hon'ble Mr. Basu had in view is of a different type altogether—confession made by an accused person while under arrest and in the custody of the police or inquiry before a Magistrate and subsequently tendered as evidence against these accused persons at the trial in Court. I am glad to say that the Hon'ble Mr. Basu indicates that this is the kind of confession that he had in view. With reference to this confession, I venture to submit to this Council that there is room for alteration in the law as it stands at present. I have had the honour of practising at the Bar for the last 20 years, and have had considerable experience of criminal cases, and I am decidedly of opinion that an alteration or amendment in the law relating to confession as at present embodied in the Indian Evidence Act is absolutely necessary, and the suggestion which I would make is this, that a confession retracted, that is to say, a confession made by accused persons during police inquiry and while in the custody of the police but subsequently retracted at the trial, should not be considered legally sufficient for conviction, unless they are materially corroborated by direct evidence relating to the offence in question. Where an accused person charged with the commission of a crime has actually made a confession during police inquiry, and sticks to that confession subsequently when he is tried, of course that confession is one upon which conviction is fully justified, but when the confession has been made during police inquiry and particularly after several days' detention in the custody of the police, I for one consider that the opinion given by the Hon'ble Mr. Justice Mahmud and the Hon'ble Mr. Justice Street in these two well-known rulings of the Allahabad High Court relating to confession is an opinion which is worthy of consideration by the Indian Legislature, and that an amendment in the law of confession in the direction I have indicated is really necessary even in the interests of justice.

"So far as an inquiry into the police administration of the country is concerned, it seems to me that the decisions upon the various points arrived at by the Police Commission have not yet had sufficient time to remain in actual operation, and in view of the admitted impotence which is visible in the police administration of the country, it seems to me that the appointment of a Commission will really not serve any practical purpose. I am therefore opposed to the Resolution as it stands."

The Hon'ble Sir Reginald Craddock : "Sir, my task has been considerably lightened by the attitude which Hon'ble Members of this Council have adopted towards this question. I should like to acknowledge, generally speaking, the reasonable attitude that has prevailed. The Hon'ble Mover, though we did not hear the actual terms that he had intended to conclude with, both at the beginning of what he said and at the end of what he said, expressed his desire to take a studiously moderate attitude, and I am perfectly willing to recognise that he is entitled to credit for expressing that desire and for doing his best to keep to it. The reason why I say that he was doing his best to keep

to it is because when he found himself straying from that intention he generally pulled himself up and qualified his remarks by other statements which took away the sting of what he had previously said, and I shall reserve my final opinion as to the amount of credit that is due to him when I come to hear the final sentence that he would have said if time had permitted it and when I come to hear what his reply is going to be. But in the meantime, I desire to do him credit for the good intentions he expressed and for the efforts he made from time to time to give effect to these intentions. But when he referred to the particular cases that had occurred during recent years he could not resist the opportunity of using epithets and lurid expressions which detracted somewhat from his otherwise calm attitude. Sir, I do not desire to follow the Hon'ble Mover in respect of these cases. Strictly speaking, they are not relevant to the motion before us. In the case of one of these cases one Hon'ble Member was able to put before the Council his personal knowledge of the facts. As regards his other cases, it was impossible for me to anticipate that the Hon'ble Mover would refer to them. I have no personal knowledge of the facts, and I think it is most inexpedient that we should consider these cases at all. We are not qualified to pass judgment on them, as we do not know who is to blame, or among whom the blame, if any, has to be apportioned. If we began by trying to apportion the blame, if there was any, among the several persons concerned, we might say a lot of things which had better be left unsaid. We might be bringing accusations against the people or we might be bringing accusations against the executive. We might be bringing accusations against the police when they were merely acting as agents, or we might be bringing accusations against the Executive Government without knowing exactly what information was before them or with what motive they acted, or we might even find ourselves indulging in regrettable statements about the decisions of the Courts, which, I think you all agree with me, it is most necessary to avoid in a Council of this kind.

" Having made this statement about these particular cases, Sir, I do not wish to refer to them again, because the point before us is not what possible mistakes may have occurred in the past, but what is the state of police administration at present, whether sufficient steps are being taken to improve it, and, if not, whether any further useful results are likely to accrue from a special Committee of the kind indicated by the Hon'ble Mr. Basu. Well, Sir, as regards the minor point (I call it minor point as compared with the general subject under discussion) of confessions, my Hon'ble Colleague the Law Member has indicated that if any Hon'ble Member wants to amend the law about confessions, it is always open to him to take leave to introduce a Bill for that purpose, which Bill will no doubt receive due consideration at the hands of Government and of this Council. At the same time I would like to say that a subject so important as that of the method of recording confessions and their admissibility in evidence, and so on, undoubtedly has a very serious bearing upon the conduct of prosecutions in criminal cases, and upon the behaviour of the police, and the Government are perfectly willing to consider if there is anything in the law which may induce the police to attach undue value upon obtaining confessions instead of pursuing clues, and whether that tendency to attach undue value to confessions may lead them to malpractices which, if such an inducement were absent, would be thereby reduced. That is a very reasonable proposition for the Council to consider, and I may inform you that we are ourselves in correspondence with the Local Governments on the subject. When we get their views, which of course will be forwarded to us with a due sense of responsibility and after consulting all those who are best qualified to give an opinion, they will be examined in all their bearings by the Government, and we hope to come to some decision which may be satisfactory to all the great interests that are concerned.

" I now turn to the general question of police administration. I think, if my memory is correct, that even the Hon'ble Mr. Basu admitted that there had been some improvement, and the existence of that improvement has been emphasised by many speakers, and by none more than by the Hon'ble

Mr. Mazharul Haque, who said that the improvement had been enormous and corruption now was almost non-existent. Sir, I do not know where we could find stronger testimony or stronger expression of the opinion as to the improvement in the police, and it is only surprising to me—he unfortunately exceeded his time so we could not hear eventually what his final conclusions were—that Mr. Mazharul Haque, after having stated in these emphatic terms the enormous improvement that had occurred, should after all have given his support to this Resolution. Sir, there have been, since we resumed this sitting, one or two expressions which gave me to think that the undoubted atmosphere of calm, which prevailed before the adjournment for lunch, had been slightly disturbed by some idea that Hon'ble Members wish to cast reflections on the morality prevailing among the people to whom other Hon'ble Members belong. I am quite sure that that was not the intention. It is not always easy to express perfectly innocent reflections and comments in a manner that shall be entirely free from offence, and in the comments that I am about to make on this very subject I hope that all Hon'ble Members will recognise that I want the Council to look upon this question from a purely reasonable point of view. We are reasonable men; we know that there is an evil and we wish to see whether it is being improved, how it is being improved and whether we are going on the right lines; and in order to know and to realise what action should be taken it is most essential that we should be in reasonable agreement upon the causes of any short-comings that there may be. Well, Sir, it is undoubtedly the case with all Governments that they develop gradually; that the state of things which was at one time considered tolerable is at later times considered intolerable, and that people at a later time wonder how it was that the state of things that existed some time previously was ever tolerated by the people who were responsible or who lived at that time; and it is an undoubted fact that several years ago the state of the police was very very far from what it is now. At that time there was a tendency—possibly it was a tendency which Government shared with the people themselves—to look upon that sort of condition as a kind of inevitable evil that had to be put up with, that it was natural and so forth, and in the circumstances there was nothing to be done. It is wonderful what people get accustomed to at times. The moment that development began in other branches, attention became drawn also to the police. That was actually one feature in the movement, simply, that in the course of the natural development which occurred in all departments and which suggested themselves both to those responsible and to the people, there also came a desire to improve the police. As soon as you express the desire to improve something your tendency is to dwell upon the evils as most extraordinary and insupportable, and not as ordinary incidents. That happened, the Government recognised it, and they appointed a particularly strong Police Commission. Now, I have details, of course, of these things; but I do not wish to trouble the Council with these details now, because I think that they have all recognised that the Commission did its work very well. It made a number of specific and valuable recommendations, and also I feel sure that this Council will agree with me that the Police Commission concealed nothing; and it minimised nothing and it slurred over nothing, and if indeed there was any commentary to be made, any adverse comment or criticism upon the Police Commission, it was that they painted a picture that was too dark all through and had not sufficient light and colour. Well, Sir, when the Commission made those recommendations, neither the Commission itself nor the Government were under any illusion as to the fact that the reforms indicated would take time in being carried out. Progress was bound to be slow, and one of the reasons why progress was bound to be slow was because of the material of which the subordinate police was composed. As I said just now, Sir, I do not intend to cast any reflection upon any race or class or anyone else; but Hon'ble Members will all be ready to admit that the standards and ideals of morals and conduct tend to vary with various classes in society. That which my Hon'ble friends here might condemn might not be regarded in a very serious light by persons in a lower social status. In that I think

all the Council will agree with me.' I think many of us know very well large numbers of the subordinate police, and we know very well the classes from whom they are drawn, and no one would wish to draw the slightest indictment against this class. They act according to their lights. We know that they make good husbands and fathers, they look after their families—at least the great majority of them; they are charitable, they are kind to their neighbours, and in short, they have the average virtues of the average man. But their horizon is limited, their ideals are not based on the highest of standards, and they are accustomed to regard a person who does them any wrong as their enemy, and they act accordingly. Also, they are not actuated by any specially altruistic motives. They are usually charitable and kind, but if strong self-interest leads them one way, the fact that in pursuance of that interest harm may come to somebody else probably never enters their heads. They are as other men are, and therefore it is from that class, with those limitations, that our subordinate police are drawn, and no one wishes to blame them for these limitations or to cast any reflections upon them at all. They are just ordinary men. Well now, Sir, we take these men and put them into the police. Now, I do not for a moment subscribe to the theory that a man who is really merciful and kind in his natural disposition would become cruel and unscrupulous directly he gets into the police. Of course all men in the police are not the same; some are honest and reliable and others are crafty, untrustworthy, idle and so forth. You get these ordinary men into the service; you cannot read their character in their faces and you do not quite know how they are going to turn out. But what *does* happen with the police which does not happen equally with any of the other services is that in the circumstances of their case the temptations which they have to contend with are infinitely greater than those which people in like circumstances and in the same society are confronted with. We all here, I am sure, know about complaints that are made about subordinates in the tahsil, and the other day we heard that even Superintendents of offices were not altogether satisfactory; but none of these have those enormous temptations with which the police are face to face every day. They have power to interfere with the liberty of people, and not only the liberty of people in their own society, but the liberty of people in much higher society; not only the liberty of the poor but the liberty of the rich. You cannot have police standing idle and doing nothing; they must be entrusted with certain powers, and they have these powers, and sometimes it matters a great deal whether they keep their eyes and ears shut or not. It may make a lot of difference to them and it may mean a considerable illegal reward to them. Again it may mean such an enormous amount to other people that the amount of reward which they can afford to give is very great indeed. Under these circumstances, of course, how can you wonder if there are a considerable number of cases in which the police, with these limitations and temptations, fail to act up to high standards of rectitude? Nobody, I am sure, certainly not the Government, will wish to gloss over their defects, or under-rate their defects or over-rate their merits, and I want the Council to regard this subject from a very reasonable point of view, from a critical point of view, to see whether we are on the right track or not about this. The one great defect that the Police Commission put their finger on was this,—that as you are bound to have these men; for you cannot have F. A's and B. A's doing constable's work (for one reason, because we cannot afford to pay them the salaries they would want, for another reason because they could not do it)—the great essential is that they should have supervision, not by men who have the same ideals and standards as themselves, but by men of higher standards; that is to say, men who could elevate them above their present standard. That was the great point taken by the Commission, and it is with that end that every Local Government in India has been endeavouring to improve the police, to infuse higher standards of honesty and higher ideals, which I freely admit are to be found among Indian as well as among other races, to infuse the upper ranks of the police with these ideals. I am sure the Council will agree that a step like this cannot be put into instant

effect. You could not possibly dismiss all the existing men who have risen from the ranks, nor could you with one stroke of the pen stop the promotion of all the head constables. Even if it would not have been grossly unjust to do it, it would have been impossible, because you have not got the trained men to take up these posts. Well, I am glad to say that this introduction of better men in the force is having a most wonderful effect, that the little leaven that has been introduced is leavening the whole mass. At the same time I do not want to withhold altogether all tribute that is due, for even with these disadvantages that existed before, even with these traditions, perhaps of corruption, or of want of moral ballast, even with these temptations to which some of these men were subject all their lives, I could point, and many of us could point, to the cases of men who rose from the ranks of constables right through all the grades to be Deputy Superintendents, unscathed and unsullied, until they ended their service, men poor in worldly goods, but rich in the esteem and regard of all who knew them.

"What, Sir, I exhort the Members of Council to have patience. The Hon'ble Mr. Basu drew a marked distinction between what he called judicial competence and police inefficiency; but, Sir, I am not asking Hon'ble Members to go back to such a very long time when even among judicial services as known in some parts of India 25 or 30 years ago, that high standard that now prevails among them had not been attained, and just as those judicial services have with better education and with progress of time been purified, so if you will only have patience will those upper ranks of the police be purified. It is patience that I ask this Council to exercise, and not to call upon us in this hurried manner and without the exercise of any of this patience to ask for Committees and Commissions which will investigate these things only to tell us again the problems that we know, and only to indicate to us once more the remedies that we are actually adopting.

"Then, Sir, there are other matters. Even with all these precautions of ours cases must occur—and we do not want to hide them—of malpractices. They do occur, and they come before the Courts, and they are often very greatly exaggerated; but they do occur, and therefore it behoves us to take all such measures as shall tend to reduce their occurrence, and shall tend to their speedy detection when they do occur, and their speedy punishment when they are detected. To that end we have been in constant correspondence with Local Governments. The earliest possible information is obtained about the occurrence of such cases, and action is promptly taken. There is a point however to which I should like to refer, for often in such cases the general impression of what occurs is certainly exaggerated. It is the custom to talk about all these things under the one name of *torture*. While, Sir, I do not deny that there are cases which fall within the description of torture, a great many cases which are designated under the general category of torture do not fall within the real significance of that word. They are cases of rough handling and ill-treatment. There is all the difference between rough handling and ill-treatment and deliberate, cold-blooded, protracted torture; the kind of torture that the word brings to the mind of everybody, the kind that prevailed in mediæval times. The great idea then was to extract a confession out of people by fair means or by foul, and not much attention was paid to evidence. The great thing in those times was to get confessions, and the fact that that very practice may prevail here among these unsophisticated people may be a survival of the conceptions of that time. People talk and write as if these cases were very numerous, but we have had a most careful record of them compiled during the last five years, and in five years there have been 166 cases of ill-treatment where prisoners or witnesses were ill-treated. Of these 166 cases brought before the Courts, 57 resulted in conviction and the remainder were acquitted. I think 2 were pending, and 2 were withdrawn because the men were otherwise punished, and the remainder ended in acquittal, which indicates that at all events the police were not slow to bring these cases before the Courts. The cases that ended in conviction, 57 in all, comprised 120 men, and that is a record of five years. It amounts to 24 men a year on a total force which is now just over 170,000.

"I do not think, Sir, that anybody in this Council can view those figures as reflecting at all seriously upon the subordinate police, or as indicating in any way that very gross ill-treatment is prevalent among them. We all know that the same men against whom these charges have been made have been capable of showing great gallantry and devotion on many occasions, and even in Bengal there have been many men who have been faithful unto death. Well, Sir, I have now gone through what I believe and what I think all my colleagues agree in believing is a diagnosis of the present evils such as they are. I have said what we are doing. I have asked you to exercise patience, and I have indicated to you the hope that things will be better. But there is one matter which I do not think I should pass over altogether, and that is the co-operation of the public in police administration. Now the police are fighting a battle against crime, and surely it must be of the most urgent importance in a case like that as to whether the public should range on the side of the police or on the side of crime, or whether they are merely passive spectators. No police in the world can achieve success or win a high reputation unless they are aided by the public. The best police, the police that have won the admiration of the whole world, are the London police, and there is no force that receives more support and more assistance from the public. Sir, I ask the Hon'ble Members of this Council to reflect on that fact, to consider whether or not the attitude of the people is that of help to the police or one of obstruction to the police or one of mere apathy, and if it lies within their power, as I think one Hon'ble Member has said today, to do all they can to impress on their constituents and on the people generally the great importance of attaining a higher sense of public duty in the matter of supporting the police.

"And there is yet another consideration. You know very well, all of you, for it is only a matter of human nature after all, that a great amount of abuse does not make a bad man good, but it very often makes a good man bad. If a man finds that when he is trying to do his best, his efforts are not recognized, and he is unjustly abused as if he had done his worst, then the next thing he does is to do his worst. There is no question about this. It is human nature, and I would ask this Council to consider this and to exercise their influence outside in support of this principle, that it is a most fatal thing to the improvement of the police if they are to be painted all black, without the black ones being singled out. If the white ones are also to be besmeared with the colour of the black, that is a most fatal thing, and there is a serious danger about it. It is a common saying that no self-respecting man among the educated classes seeks for service in the police. Well, Sir, as long as indiscriminate abuse is levelled against the police, you make it extremely difficult for that self-respecting man to enter the police. But if you keep your abuse and your censure to the cases where it has been deserved, and be free with your praise where it is due, that obstacle to a self-respecting man entering the police will before very long disappear.

"Sir, I should have concluded all I had to say on general administration with this, but I am bound to make a few more remarks. I am sorry to take up the time of the Council, but it is an important subject, and I shall make a few remarks about the Criminal Investigation Department. Well, Sir, the Hon'ble Mr. Gokhale's attitude, when he spoke on this point, was, I think, extremely moderate and reasonable. He recognized that there had been a time of pressure and suspicion, a time when it was impossible to say that there were no conspiracies and sedition about, and that the Criminal Investigation Department which gives criminal intelligence to the Government had had to be expanded to meet the needs of the times. He said that, and he also said that he thought it quite reasonable in this country, that Government should require to keep a watch over political movements. Well, Sir, we only want to keep a watch over political movements. We think it expedient in the interest of the Government, and the Hon'ble Mr. Gokhale has himself admitted, that we cannot altogether dispense with this necessity. But he makes it a complaint that the society in which he is much interested has also been much subjected to harassment. Well, Sir, surely nobody wants, least of all Government, to harass any society which is imbued with charitable objects

for benefiting their countrymen. Far from it. But of course I do not say anything of the kind in respect of Mr. Gokhale's society. Societies may exist, they may have some ostensible objects which they use as a cover for political motives."

The Hon'ble Mr. Gokhale : "May I interrupt the Hon'ble Member. I did not complain that my society was watched. What I complained of is the offensive manner in which it is done. I do not want any special treatment."

The Hon'ble Sir R. Craddock : "Well, Sir, I understand from the Hon'ble Mr. Gokhale's statement that he does not mind watching in theory, but watching in practice. Well, Sir, no doubt it is very irritating to be watched in practice. But it is very difficult to avoid occasional nuisances of that kind. If you do any watching at all, and if agents are to be employed to do it, you cannot employ educated people on works of this kind waiting outside perhaps for hours in the sun. You have to employ humbler agents for this purpose, every country does it, and it is extremely annoying that it should be necessary. But it has to be done. But what I desire to say is that Mr. Gokhale's request for an inquiry as to a possible reduction of the operations has to a large extent been anticipated by the Government itself. We recognize most fully the great improvement that has taken place in the situation, particularly since the visit of the King-Emperor. We recognised even before then that pressure had relaxed. Since then the relaxation has been very much greater. We are now getting much fewer reports from all sides, and I am sure no one wants to suggest that we want to get a lot of reports which we know are of no particular value and which have been collected by our agents because they do not like to diminish the volume of their notes. For instance, as the Hon'ble Mr. Gokhale tells me, there was a report about the Hon'ble Sir Gangadhar Chitnavis. Well, Sir, it never reached me when I was Chief Commissioner, and I do not think that it can have gone much beyond the dunderhead who compiled it. Well, Sir, these matters are always delicate. As I have said, all Governments have to have their Intelligence Departments, and no one desires that the scope of those departments should be any greater than is absolutely necessary, and we are paying attention to that subject. We are looking into these departments in all parts of India, and of course reduction depends on the extent to which political agitation and political excitement have subsided. When political crime has absolutely disappeared, then it may be possible to make greater relaxation in those places in which it is still in evidence. But so long as it has not disappeared, so long must a certain amount of criminal intelligence and investigation of this kind continue, and it is no good complaining of the evils resulting not from the atmosphere created by the police, but which have arisen from political pressure or political movements which acquired a sinister aspect. That, Sir, is all I have to say on the motion of the Hon'ble Mr. Basu. I think that no useful purpose whatever will be served by a Committee of the kind indicated. It has not been shown that the great Police Commission of a few years ago was in any respect a failure, and it has certainly not been shown, even if it were a failure, that the Committee that is now proposed has any chance of succeeding where the Commission may have failed. On behalf of Government, then, this Resolution cannot be accepted."

The Hon'ble Mr. Bhupendranath Basu : "Sir, I acknowledge with gratitude the spirit and the tone in which the Home Member has been pleased to reply to my motion. He has given us the assurance that many of the matters to which I referred are receiving attention. It was because we also felt that these matters were receiving attention from the replies that Lord Morley gave in the House of Lords to certain questions, and from the published correspondence of the present Under Secretary of State for India, and it was because we felt that the Government itself was so anxious to go on in the path of reform, that I ventured to submit to this Council a proposal for the appointment

of a Committee, not necessarily a Commission, which would be able to supplement what had not been dealt with by the Police Commission in the light of subsequent experience.

"As regards one of those subjects, namely, confession, my friend the Hon'ble the Law Member has said that it was open to me or to any other Member of this Council to bring on an amendment to the existing law in order to have what we considered a defect rectified or remedied. I was unable, owing to the ruling of the Chair, to finish what I had intended to say about the subject of confessions. My friend the Hon'ble Mr. Shafi has done me the service of pointing out in what directions confessions at the present moment are apt to be used as instruments for inflicting torture upon criminals or people charged with crime. It is not safe that when offenders, or alleged offenders are in police custody that confessions made by them should be treated as evidence against them, the few cases to which I called the attention of the Council in the morning show the danger of that procedure. Then, again, in reference to that very subject, or the allied subject of torture, or if torture is a word which is unacceptable, of corporal punishment, there is much to be said about the remands that are given to the police and the accused being sent back to police custody and not to jail. My friends who come from other parts of the country and have much wider experience than myself of the methods of police administration in the mufassil, Mr. Shafi and Nawab Abdul Majid, would be able to satisfy the Council that that is a direction in which some reform is urgently needed.

"Then, Sir, about the police itself. The Government in its last memorandum on some of the results of Indian administration during the last 50 years say that 'the police is still as heretofore a weak point in the administration', so that it is admittedly a weak point. My friend, the Hon'ble the Home Member, has correctly stated the position when he says that errors are admitted, defects are admitted, but an honest effort is being made towards the removal of those errors and defects. My motion is only another effort in that direction. I do not pretend or profess to say that I have indicated the right direction, my knowledge as to how these things are done or ought to be done is necessarily very limited.

"I have only suggested a method, and if there is a better method, certainly I shall be the first to accept that method. My friend, the Hon'ble the Home Member, has said that he has invited the opinions of the Local Governments. I am content that the Government itself should take action upon the opinions that it receives, and I am quite sure that, when Local Governments are submitting their opinions, they will in their turn, consult non-officials in their respective jurisdictions. When I brought forward the motion, I did not do so in any spirit of hostility or from any desire to hamper the Government in the efforts which admittedly it has been making to improve the police, nor did I intend to cast aspersions upon the police, except so far as to make out a case that action was necessary. I had to refer to matters which are more or less the common property in the country and which have been disposed of by the highest tribunals in the land. My friend, the Member for the Chamber of Commerce of Calcutta, has referred to the High Court laying down rules of evidence which it is impossible to satisfy 'exotic' he has been pleased to call them. Well, it would have been better if my friend had more experience of rules of evidence before applying that epithet to the procedure and practice of the High Court of Bengal. If he had followed the other High Courts in India, the Chief Court of the Punjab, the High Court of Allahabad, the High Court of Bombay and the High Court of Madras, he would have seen that they have been doing exactly what the High Court in Bengal has been doing, namely, rectifying the errors of the police and of the executive administration, bringing peace where there was every fear there would be great commotion and unrest. That has been the function of the High Courts, and we the people of India are grateful that they do exist and that they do sit to correct the errors of the executive and not to follow the rules of evidence which suit my Hon'ble friend, and which if they did

follow, they would certainly have followed exotic rules. It is easy for my friend to rush into a controversy where other people would fear to tread, namely, a controversy about the judicial attitude of the High Courts. There is an observation of my friend the Hon'ble Mr. Madge to which I think it is desirable that some reference should be made. I quite agree with my Hon'ble friend the Home Member, when he says that there was no intention on the part of the speaker to cast any reflection upon our people. But I take that observation for another purpose. My friends who have either given expression to that sentiment or associated themselves with it, have they ever paused to consider as to why the same class of men who are their Durwans, and who might be regarded as gentlemen in culture and breeding notwithstanding their ignorance, should at once develope into what they are when they enter the service of the police? It is not the men, it is not the social strata, from which they are drawn, but it is the system into which they are thrown which makes them what they are, a system which renders the police practically independent. And has it never struck my friends when comparing—I admit I am trading on very delicate grounds,—his own countrymen in England and in this country as to what is the reason of the difference that is so noticeable? It is because they are thrown in a different environment and because they are associated with a system which has behind it the tradition which unhappily attaches to them in India. So, it is not the men who are at fault, but it is the system which is at fault. There is another thing which has been said time and again, namely the want of co-operation on the part of the people with the police. I do wish that that bogie and that charge should be allowed to rest once and for ever. We have asked, in times of great commotion, in times of great unrest, our friends, the Anglo-Indian gentlemen of this Province when they have accused us of want of co-operation in the detection of crime, we have asked them to show us the way to tell us as to how is it to be done, you who know the ways of the west tell us. We have received no enlightenment. We have been told only that we have failed to co-operate in the detection of crime and there it rests to-day. I do hope that when that charge was brought by a member of the Commercial Community to-day, some explanation, some illustration should have been given. I may remind my friends that whereas special constables are made in England to help the police, they are made here by way of punishment and to bring disgrace upon the people sworn in. I do hope that when further reforms of the police are carried out, the Government itself will show us the way, and I can assure the Government that if it does show the way, we shall not be slow in following it.

"Sir, there is one observation which my friend the Hon'ble Mr. Lyon made and which is, in some sense, a personal observation. I think that I ought to meet it. I am glad that my friend whom I have known in happier days in my part of Bengal is coming back to us. We welcome him. The lost sheep of Israel is coming back. But when he charges me with making statements which are not altogether well-founded, he ought to have known that he was tackling a very rough customer. I took advantage of the adjournment that you were pleased to grant us to get a copy of the Report of the Mymensingh disturbances to which I had been a party. I submitted this Report to the Government of Eastern Bengal and Assam, and if I may be permitted to remind my friend, I saw him and his Chief in the Government House in Calcutta with the draft of my Report and with my suggestions about the steps that, I thought, were necessary to be adopted at that particular moment. We invited Mr. Clark, the District Magistrate, to permit some responsible police-officer to be present during our investigations, but he doubted the sanction of higher authorities which he said there was no time to apply for, and he further said that it would not be granted, so it was not our fault that the investigation was *ex parte*. I specially laid stress on that point, and I said that it was a matter of regret to me that it was not possible for Government to help us. He says that we gave two minutes and a half to each witness—that is the old characteristic way in which officials deal with important questions, but unfortunately for my friends that has not even got the

merit of accuracy on the present occasion. We examined 45 witnesses in three days between two of us—one of whom was my humble self and the other was a retired member of the Indian Medical Service, a gentleman who had worn the King's uniform. The examination of 45 witnesses in three days between two of us was not a such heavy task as was incapable of accomplishment.

"My friend said that for us some shopkeeper had to reconstruct the disorderliness of his hut to show us the loot that had taken place. I do not think that human nature is so perverse that after the lapse of ten days this poor man felt it his duty to break up his things again and scatter them about for show against our investigation. It may be true, but I am sorry to note that in the reply that my friend gave he did not deny that the loot had taken place."

The Hon'ble Mr. Lyon: "I beg to explain that I fully intended to state that it appeared to the Government after a careful inquiry into the matter that no looting had taken place."

The Hon'ble Mr. Bhupendranath Basu: "I quite accept that was the Government opinion. But no public announcement of that opinion in the shape of a Resolution was made. I ask my friend if there was any public inquiry or if there was any Resolution on the subject, but that is a small matter which I may pass over."

"My friend the Hon'ble Mr. Gokhale has referred to some personal experience of the Criminal Investigation Department. Well, if I enter into the personal experience of each one of us as regards the way in which we have been dealt with, it would be a very long story, and I would soon tire the patience of the Council. Well, there is a famous passage of the well known poet of your country that a man whose soul is not tuned to music is capable of treason, and I was very nearly driven to that state of mind, for curiously enough I found for days and months running into years a fiddler sitting calmly in a room opposite to my house and fiddling away for very life. I never could make out how this man earned his subsistence, and why he should be always playing on the fiddle. Well, my suspicions were naturally aroused; I inquired of the house-owner in which this man was living as to what his occupation was. He simply said that he did not know but he seemed to be a very innocent person. I told him that I had a very different opinion of him, as I was inclined to think that he had been spying upon me. My neighbour, the house-owner, stoutly defended his tenant, but curiously enough as soon as I left the country for Europe, this fiddler tenant of his also left. These are experiences which might be multiplied. I do hope and trust that with the better state of feeling that has come over the country, with the clear atmosphere that now surrounds us, with the beneficent result of the auspicious visit to this country of our King and Queen the suspicious attitude of certain departments of State towards ourselves and our people will be gone and gone for ever."

"As regards my own motion, having regard to the sympathetic consideration of the points that I have raised by the Hon'ble the Home Member and the suggestions made by the Law Member, with your leave, I beg to withdraw it."

The President: "The Hon'ble Member is allowed to withdraw his Resolution."

The Council is adjourned till Friday, the 1st March, at 11 A.M., when the Financial Statement will be presented."

W. H. VINCENT,

Secy. to the Govt. of India, Legis. Dept.

CALCUTTA;

The 8th March 1912.



The Gazette of India.

PUBLISHED BY AUTHORITY. .

CALCUTTA, SATURDAY, MARCH 16, 1912.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 TO 1909 (24 & 25 VICT., c. 57, 55 & 56 VICT., c. 14, AND 1 EDW. VII, c. 4).

The Council met at Government House, Calcutta, on Friday, the 1st March 1912.

PRESENT:

The Hon'ble SIR GUY FLEETWOOD WILSON, G.C.I.E., K.C.B., K.C.M.G., Vice-President, *presiding*, and 59 Members, of whom 51 were Additional Members.

The Hon'ble Mr. Madge asked:

"Will the Government be pleased to state—

"How many officers discharged from the Opium Department owing to reduction of establishment consequent on contraction of manufacture have been provided with suitable appointments in other departments; and

"Whether the expectation is entertained of thus providing for all discharged Opium officers who are not unfit for further service."

The Hon'ble Mr. Sachchidananda Sinha asked:

"Will the Government be pleased to state what arrangements, if any, have been made for the provision of the officers and staff of the Opium establishment in Behar and the United Provinces, necessitated by the reduction of the opium revenue?"

The Hon'ble Sir Guy Fleetwood Wilson replied:

"I propose to deal with these points in my Financial Statement. I hope, therefore, that my two Hon'ble friends will excuse me for not answering their questions at the present time."

The Hon'ble Mr. Sachchidananda Sinha asked:

"(a) Will the Government be pleased to state the number of (a) raids committed, (b) persons murdered, (c) kidnapped, and (d) the value of the property looted during each of the ten years since the creation of the North-West Frontier Province on the 9th November 1901?"

"(b) Has the attention of the Government been drawn to the following statements in the Administration Report of the North-West Frontier Province for 1909-1910 (pages 10-11) :—

'(1) The number of offences of all kinds reported during the year was 21,889, and was the highest recorded since the formation of the Province.'

'(2) The statistics of the year show an increase in violent crime generally throughout the Province, that in murder cases being especially marked.'

'(3) During the year under report 26 persons suffered capital punishment as compared with 10 in 1908, and 40 persons were sentenced to transportation for life, an increase of 18 over the figures of the previous years.'

"(c) Will the Government be pleased to state what special steps, if any, have been taken since the publication of the said Report in 1910 to check the growth of crime ?

"(d) If none has been taken, is any under contemplation at present."

The Hon'ble Sir A. McMahon replied :

"In reply to the Hon'ble Member's first question, I have to say that a statement will be prepared and furnished as soon as possible.

"In reply to the other questions, I have to say that the attention of the Government of India has been drawn to the statements in the Administration Report of the North-West Frontier Province for 1909-10. These should be read with paragraph 5 of the general summary of the Administration Report for 1910-11 by the Hon'ble the Chief Commissioner of the North-West Frontier Province which also refers to the regrettable increase of crime of all kinds. The Chief Commissioner attributes this increase to two prime causes : (1) the numerous offences committed by outlaws residing across the frontier in Afghan territory, and (2) the fact that the law, as it at present stands, fails to meet the social needs of the people and that, with the growth of civilisation across the border, outlawry is beginning to lose its most terrifying features, and there is consequently an increased tendency for the people to take the law into their own hands, trusting either to outlawry, or to the belief that the fear of reprisal will render not forthcoming the amount of proof which the law requires. The fault in Sir George Roos Keppel's opinion appears to lie not with the police, who are much more efficient than formerly, but with the system which compels the police to interfere in many petty cases in which the State is not really concerned.

"The Government of India have taken strong measures in regard to the outlaws, which with the friendly co-operation of His Majesty the Amir of Afghanistan have already resulted in substantial improvement, and the Government of India are considering further measures should these become necessary. With regard to the unsuitability of the present law, proposals are under consideration for its amendment to meet local requirements."

The Hon'ble Mr. Sachchidananda Sinha asked :

"(a) In what departments of the public services is the system of temporary promotions and acting allowances in force ?

"(b) Is it a fact that the rules regulating temporary promotions and acting allowances are different in the case of the members of the Indian Civil Service, the Imperial Police Service and the Indian Educational Service, from those that obtain in the case of the members of the Provincial Civil Services, of the Executive, the Judicial, the Police and the Educational departments ?

"(c) If so, will the Government be pleased to state the points of difference between the rules obtaining in the two classes of the Services referred to above ?

"(d) Will the Government be pleased to state the number of members of the Indian Civil Service, the Imperial Police Service and the Indian Educational Service, in each province, drawing acting allowances on the 1st of January 1912 ?

"(e) Do Government propose to assimilate the rules of both the classes of the Services referred to above in the matter of temporary promotions ?

"(f) If not, will the Government be pleased to state their reasons for the same ?"

The Hon'ble Sir Reginald Craddock replied :

"(a) It is understood that the Hon'ble Member desires to know the Services of which a member can draw an allowance in excess of the pay of his permanent post on account of temporary promotion to another class or grade in the same Service. Without attempting to explain the somewhat complicated details of minor Services, it may be said that the principal Services in which such concessions are allowed are the Indian Civil Service and the Police (in the case of officers of and above the rank of Assistant Superintendent). Officers in the Indian Educational Service are now upon a time-scale, and acting allowances are only drawn by them when officiating in appointments to which a special rate of pay is attached.

"(b) The answer is in the affirmative.

"(c) The important point of difference to which the Hon'ble Member is apparently alluding in the case of the Provincial Services is that acting allowances are not given to members of such Services in respect of appointments ordinarily held by them. Members of the Provincial Services acting in posts not ordinarily open to them (*e.g.*, a Deputy Collector officiating as a Collector, a Deputy Superintendent of Police as a District Superintendent of Police, or a member of the Provincial Educational Service in a post usually reserved for the Indian Educational Service) receive acting allowances.

"(d) Figures are laid on the table* showing the case of the Indian Civil and Police and Indian Educational Services of officers who were in receipt of acting allowances on the 1st January 1912.

Province.	Indian Civil Service.	Police Service.	Indian Educational Service.
Madras	89	41	...
Bombay	78	38	...
Bengal	92	68	...
United Provinces	95	62	...
Punjab	82	39	...
Burma	78	51	...
Eastern Bengal	72	28	...
Central Provinces	44	21	1
Total	610	338	1

"(e) The answer is in the negative.

"(f) The Hon'ble Member is referred to the answer given to the Hon'ble Mr. Dadabhoy in this connection at the Council meeting of 26th February 1912."

The Hon'ble Mr. Sachchidananda Sinha asked :

"(a) Are the Government aware that there is a feeling amongst the Deputy Superintendents of Police that a difference is made in their status as compared with that of the Assistant Superintendents, and that there is dissatisfaction amongst the Deputy Superintendents owing to this feeling ?

"(b) Is it not a fact that besides the difference accruing from their belonging to two separate Services—the Assistants to the Imperial and the Deputy Superintendents to the Provincial—they do not rank equally in position and functions and that the latter have been relegated to an inferior status (as evidenced by difference in not only pay, but travelling allowance), and are entrusted with less important work ?

* Printed below.

"(c) Is it not a fact that the Police Commission recommended in their Report that the Deputy Superintendents 'should have precisely the same departmental status as the Assistants' (page 52, paragraph 69), and that the Government recorded in their Resolution on the Report that 'their functions and departmental status will be similar to those of Assistant Superintendents'?"

"(d) If so, do the Government propose to restore to the Deputy Superintendents the status and functions recommended for them by the Police Commission in their Report and accepted by the Government in their Resolution thereon?"

The Hon'ble Sir Reginald Craddock replied :

"The matter referred to in the Hon'ble Member's question is engaging the attention of the Government of India, and it is impossible at present to make any further pronouncement on the subject."

The Hon'ble Mr. Sachchidananda Sinha asked :

"(a) Will the Government be pleased to state whether they have recommended to the Secretary of State the abolition of any posts on the score of economy, and if so, the names of the posts and of those in respect of which Secretary of State's sanction has been received?"

"(b) Is it intended to abolish any other posts, and if so, what posts?"

The Hon'ble Sir Guy Fleetwood Wilson replied :

"The Government of India recommended a reduction in the number of Imperial Inspecting officers and Directors serving under the Government of India. Economy was not, however, the only determining factor in the proposals submitted. The abolition of the posts was based on administrative rather than on financial grounds."

"The Secretary of State has decided that the posts of the Inspecting Officer of Cantonments, the Inspector-General, Civil Veterinary Department, and the Inspector General of Agriculture should be abolished."

"Certain other posts have come under review, but no statement in regard to them can be made at present."

The Hon'ble Mr. Sachchidananda Sinha asked :

"(a) Has the attention of the Government been drawn to a letter of Dr. Harold Mann published in the *Indian Social Reformer* (Bombay) of the 5th November 1911 and to the editorial article of that Journal on 'Traffic in Minor Girls' in the same issue?"

"(b) Is it a fact as stated in Dr. Mann's letter that in the Poona case referred to therein the higher Courts on appeal held that any man might have a concubine even if she was a little girl below the age of sixteen and even though there was every probability of its leading to a permanently evil life?"

"(c) If so, do Government propose to so amend the law as to make concubinage of girls below the age of sixteen illegal?"

"(d) If not, will Government be pleased to state their reasons for the same?"

The Hon'ble Sir Reginald Craddock replied :

"Government have seen the letter and article referred to, and are making inquiries about the matter."

The Hon'ble Mr. Sachchidananda Sinha asked :

"(a) Will the Government be pleased to state the total number of cases decided by the Calcutta High Court during each of the last three years (1909, 1910 and 1911)?"

"(b) What was the total number of cases, out of those so decided, which came up from the Patna, Tirhut, Bhagalpur, Chota Nagpur and Orissa Divisions?"

The Hon'ble Sir Reginald Craddock replied :

"The figures asked for by the Hon'ble Member are not readily available, but I lay on the table a statement* to show the number of cases instituted in the High Court during each of the five years 1906-1910, and the number of such cases which came from the districts, which it is proposed to form into the new province of Behar, Chota Nagpur and Orissa. If further information is required regarding the number of cases decided, it can be obtained in due course if the Hon'ble Member will let me know that he desires it."

The Hon'ble Raja of Dighapatia asked :

"Is it contemplated to reorganise and reduce the expenditure on the Criminal Intelligence Department?"

The Hon'ble Sir Reginald Craddock replied :

"The Government of India have the matter under their consideration, but are not in a position to make any statement on the subject at present."

The Hon'ble Mr. Gokhale asked :

"Will the Government be pleased to state how they propose to expend the Imperial grant of 50 lakhs a year to popular education announced at Delhi?"

The Hon'ble Sir Harcourt Butler replied :

"The Imperial grant of 50 lakhs a year for popular education announced at Delhi will be distributed as follows:—

(i) 45 lakhs will be at once distributed to the major provinces:—

	Ra.
(a) The extension and improvement of elementary education for boys, including the extension of free education.	30 lakhs.
(b) Education (mainly elementary) of girls	5 "
(c) Hostels	5 "
(d) Technical and industrial education	2 "
(e) Education of Europeans and Anglo-Indians	3 "

The Government have likewise addressed the Provincial Governments with a view to indicating a more detailed definition of these objects, subject to the requirement of local conditions:—

- (a) *Elementary education of boys.*—As regards free education, it is not intended to make elementary education of boys generally free. In some provinces such education is already free, and in the majority of provinces considerable provision is already made for giving free elementary instruction to those boys whose parents are likely to be in any way inconvenienced by the payment of fees. Local Governments have been requested carefully to consider those provisions and extend them where necessary by reasonable concessions to cultivators and others of small income whose children are reading elementary courses in existing schools. As facilities for education are increased among the poorer and

* *Vide* Appendix No. 1.

more backward section of the population, it is thought probable that still larger exemptions from the payment of fees will be found requisite in the new schools established for this purpose. As regards expansion, the grant is intended to facilitate the establishment of new schools of the elementary type, and to provide, according to the needs of each province, for the training of elementary teachers, the enhancement of the pay of existing teachers, and the erection of school buildings. The Government of India desire that the grants now made should be given largely to the extension of elementary education and the extension of the principle of free elementary education for those that cannot afford to pay fees. There are two further objects regarding which the Government of India have at various times called for information, and the replies concerning which show that they are deserving of very special consideration. These are the improvement of the facilities for elementary education in municipal areas and the establishment of special half-time schools for children employed on plantations or in factories.

- (b) *The education of girls.*—It is considered that the bulk of the allotment under this head will most fitly be expended upon elementary education and training, but it is recognised that conditions vary greatly in different parts of India.
- (c) *Hostels.*—It is presumed that in the first instance the grant now made will mainly be expended upon the erection of buildings for the reception of pupils in colleges and high schools. The Government of India, however, are deeply impressed with the importance of making proper provision for superintendence in hostels. The growth of these institutions will throw upon budgets an ever-increasing recurrent charge.
- (d) *Technical and Industrial Education.*—It is understood that much is needed in the way of workshops and equipment and, in cases where schemes for industrial education have been submitted but not yet sanctioned, it is thought that money may usefully be expended upon these and kindred objects.
- (e) *Education of Europeans and Anglo-Indians.*—It is requested that some portion of the sum for this object may be devoted to increasing the number of free pupils or reducing fees in the elementary classes.

(ii) Three-quarters of a lakh will also be distributed at once among the minor provinces and administrative units, mainly for the extension and improvement of elementary education, and also for such other of the five objects enumerated above as may appear to the local authorities most deserving of support.

(iii) Four and a quarter lakhs will be held as a reserve, and will be distributed later in the year in such proportion to the objects named above as may appear desirable."

The Hon'ble Mr. Gokhale asked :

"With reference to the assurance given by the Hon'ble Finance Member last year on the subject of retrenchment in the course of the debate on the increase in public expenditure, namely, 'I am empowered to announce that all the Members of the Government of India will, during the current year, subject the expenditure for which they are individually responsible to close scrutiny with a view to effecting all possible economies,' will the Government be pleased to state what steps were taken during the year to carry out this intention, and what economies have been effected or are proposed to be effected in the different departments?"

The Hon'ble Sir Guy Fleetwood Wilson replied :

"In the Department which is under my direct charge, the opportunity for reduction is limited, and all the tendency is to strengthen the machinery for audit and efficient accounting. We have, however, a saving of roughly two lakhs in sight, as the result of re-arrangements of staff in the Comptroller-General's office and of a simplification of the methods of work in the Postal Accounts offices.

"I lay on the table statements* prepared in the other Departments of the Government of India, indicating the economies which they have effected or propose to effect."

The Hon'ble Mr. Bhupendranath Basu asked :

"(1) Will the Government be pleased to state if there is any truth in the report that the Criminal Intelligence Department or any of its special branches is going to be abolished ?

"(2) Will the Government be pleased to state the constitution and composition of the Criminal Intelligence Department ?

"(3) Is there a special branch of the Criminal Intelligence Department ? If so, will the Government be pleased to state how much of the Department is engaged in the general police work of the country, and how much in the work of the special branch, and what are the functions of the special branch ?

"(4) Will the Government be pleased to state the number of prosecutions undertaken at the instance of the Criminal Intelligence Department or its special branch, if any, province by province, with the result of such prosecutions ?

"(5) Will the Government be pleased to state if any punitive police has been quartered at any place in India at the instance of the Criminal Intelligence Department, and if so, in how many places ?"

The Hon'ble Sir Reginald Craddock replied :

"In reply to the first part of his question, the Hon'ble Member is referred to the answer given to the Hon'ble Raja of Dighapatia.

"With reference to the second part of his question, the Hon'ble Member is referred to the information given in the statements which were placed on the table at a meeting of the Council held on the 11th September 1911 in response to the Hon'ble Mr. Gokhale's question of the 24th January 1911.

"In Bengal and Eastern Bengal and Assam there are temporary special departments of the Criminal Investigation Department which deal with organised political crime. In other Provinces there are special branches of the Criminal Investigation Department which deal with work of this description ; but it is impossible to differentiate the work of these branches from the general public work of the country.

"With reference to the fourth and fifth portions of the question, prosecutions and the posting of punitive police are not undertaken at the instance of the Criminal Investigation Department, but of the authorities responsible for the peace of the districts concerned."

FINANCIAL STATEMENT FOR 1912-13.

The Hon'ble Sir Guy Fleetwood Wilson presented the Financial Statement for 1912-1913. He said : "My Lord, I have once more to ask for the consideration of this Council while I lay before them my annual review of the

* Vide Appendix No. 2.

finances of India. In pursuance of what is now the established custom I shall do no more to-day than present the Financial Statement for 1912-13. The discussion upon it will open on Thursday next; and on the 22nd of March I hope to submit the Budget in its final form, while the closing debate will take place, with your Lordship's permission, on the 25th.

"It is to-day, as it was a year ago, again my exceeding good fortune to record a period of progress and prosperity. The year which is drawing to a close has been in many ways a memorable year. It will stand out illustrious for the first visit of a King-Emperor to his Indian dominions. It will be remembered for the stately ceremonials of which Their Imperial Majesties were the central figures, and even more for the enthusiastic loyalty and reverence with which they were received by their people. It will be associated with important territorial changes which will lead, we all trust, to greater political content and will strengthen the cause of good government. In all these ways the year will take a memorable place in the history of India. But it has not been without its dramatic interest in realms far removed from political changes or Imperial pageantry. For at one time, during two anxious months, the half of India was on the verge of a drought for which we might have had to go back thirty-four years for a parallel. In the middle of August the outlook was gloomy in the extreme over the greater part of the Northern provinces; and a further suspension of rain would have brought widespread suffering and a serious dislocation of our trade and of our finance. This catastrophe, however, was averted. Rain came, late but abundant; the area of distress was reduced to narrow limits; and we now cherish every hope of bumper harvests, busy trade, and advancing prosperity. The change, as I have said, was dramatic; it was also a striking lesson of how narrow is the line in India between plenty and want, and how incessant is the need for caution in our forecasts and for economy in our expenditure.

"REVISED ESTIMATE OF 1911-12.

"I shall first attempt to sketch the main features of this remarkable year, and to indicate their effect upon the revenue and expenditure provided in the budget which I laid before the Council this day twelve months ago. The year opened well. The winter rains had been favourable, and the spring crops had yielded an abundant harvest. To the weather-wise an unusually cold March in Northern India gave cause for nervousness; but hot-weather conditions established themselves later, and the monsoon currents reached our coasts close upon the due dates. Their progress inland, however, was weak and fitful; and their joint efforts were spent by the third week in June. Rain ceased over virtually the whole of India, excluding Burma; the dry west wind revived in the North; and one of the most trying summers in living memory was protracted well into August. Early in that month, the standing crops had withered over large areas in the United Provinces, Punjab, Rajputana, Central India and the northern half of Bombay. When irrigation had saved the position, a plague of insects, which always seem to accompany drought, was working serious havoc. Fodder was growing scarce, prices were rising, and the situation was critical. The outlook got gradually darker until the third week in August, when relief came at last. The rain-bearing currents revived, and the pressure was eased everywhere except in Sind, Gujarat, Kathiawar, and a small tract with its centre lying between Delhi and Meerut. In September the position improved steadily; and by the end of the month the only seriously distressed areas that remained were Gujarat and Kathiawar, in parts of which famine has since been declared and relief operations undertaken. The numbers on relief in the middle of last month were roughly 80,000. In the rest of Northern India, the people took heart with the late rains: the autumn crops were re-sown wherever possible, and an exceptionally large area was prepared for the spring harvest. In Bengal and Southern India there has been no anxiety. Lower Burma suffered in parts from floods in August; but the general prosperity was satisfactory. Viewed as a whole, the year has been a good one, and the agriculturist has been helped by the high prices which prevail for some of our staples in the markets of the world. A period of much anxiety gave way, at the eleventh hour, to recovery and hopefulness: and the year ends with the best of prospects in the greater part of India outside the few afflicted tracts in Gujarat and Kathiawar.

"From the seasons we turn naturally to the harvests which depend upon them. The wheat crop that was being cut at the time of my last budget was the finest on record, particularly in the Punjab. Rice also had been good, and the year thus began with plentiful stocks, which mitigated the loss of the cheaper food grains in the autumn, without checking the supply to foreign markets. Of the other export staples, oilseeds gave a plentiful yield. Jute was grown under favourable conditions, and the returns are appreciably better than last year. Cotton did excellently in Berar but suffered from drought in Bombay and Northern India, and the produce all round is reckoned at 18 per cent. less than in 1910. This year's rice crop is plentiful in spite of some local shortage in Lower Burma; and the prospects of the spring harvest which is now maturing are exceptionally fine. Whatever deficiency there has been in the agricultural output—and on the whole it cannot have been serious—has been more than made good by the activity of the export demand for our chief staples and the full prices which they have fetched. Rice and opium have been specially remarkable in this way; the former owing to a serious failure of the Eastern crop and heavy speculations in Rangoon; the latter owing to the steady reduction of our supplies to the Far East. These, however, are only two outstanding examples of the strength of the export market. The general range of prices has been high. In many cases it has benefited the producer; and it has certainly dilated the volume of outward trade, as measured in money; and brought payment to India in heavy imports of merchandise and bullion, to swell our customs revenue and to keep our railways busy.

"The record of our over-sea commerce has thus been an impressive one. The value of our exports is up to date the highest on record. Wheat has not been so big as it was in 1909, or cotton as it was in 1910, or jute as it was in the famous year 1906; but each of them is bigger than in any other year except those which I have named, and the cumulative effect was an all-round excess. Moreover, silver was re-exported, chiefly to China, in very large quantities; and the declared value of rice, opium and seeds has been well above the figures of any previous year. Similarly with our imports. They were unusually active in April and May: they eased off in the ensuing four months, as if waiting for the fickle monsoon to disclose its intentions; and there was a striking revival from October onwards. It is piece-goods and gold that have been the notable features of the year; gold forming one-sixth of our total imports and having reached, during the December quarter alone, the imposing value of 10 crores. Combining both currents of trade, I gave the total value of our private sea-borne commerce for the first nine months of last year as 272 crores, which I said constituted a record. This year the corresponding figure for April to December 1911 is 304 crores. Even after every allowance for an inflation of prices which may be in some degree undesirable, this result means busy revenue, a strong exchange, and no small measure of general prosperity.

"Happily, then, there has been justification for the faith in which the budget for the current year was framed: it was based, as I said a year ago, 'on the hypothesis of normal harvests, a good export season, and a steady progress in our trade and industries.' These hopes have been more than realised. The total revenue of the year, Imperial and Provincial, I budgeted at £78 millions: we now expect to obtain nearly £81½ millions. For the total expenditure, Imperial and Provincial, I estimated nearly £79 millions: we shall require barely £78 millions; so that we have an aggregate improvement of £4½ millions, of which about £2½ millions belong to the Provincial account. The Imperial surplus will thus be enhanced from just over £2½ million to £2¾ millions. The greater part of this is contributed by unexpectedly high opium receipts. The balance due to general causes is small, but it is only the residue, as I shall subsequently show, after very large sums have been handed over to the provincial accounts.

"Opium.

"This leads me at the onset to the well-worn theme of our opium policy and its results. The position, when I summarized it a year ago, was one of some difficulty. We had completed the first stage of the period fixed conditionally for the extinction of the trade with China in Indian opium. That period, under the 1907 Agreement

was ten years from the beginning of 1908 ; but at the end of the first three years we were entitled to ask China if her curtailment of production had kept pace with our reduction of exports ; and our future arrangements were to be dependent on the reply. When the time came, however, China was unable to give an authentic answer, and the British officers who were touring the poppy-growing provinces had not yet reported. Out of consideration for China's difficulties we had consented not to press our strict right, and to continue the reduction of our exports for another year. In the meantime certain of the Chinese authorities, particularly the Viceroy of Canton, had been imposing disabilities on our trade, which, in our opinion, were clear infractions of the Chefoo Convention ; and we were insisting on their removal if our co-operation with China was to continue. Negotiations on these and other outstanding points were in progress when the last budget was before this Council ; and it was obviously impossible to prejudice or anticipate the result by any discussion at that time.

"On the 8th of last May the negotiations culminated in an agreement which I may safely describe as satisfactory and honourable to both sides. The agreement is public property, and I need not recall its leading features, and explain what it means to China and to ourselves respectively.

- (a) What was conceded on our side was this. We were to restrict our China exports in 1911 to 30,600 chests, with a progressive reduction thereafter of 5,100 chests a year. But if China can completely eradicate the cultivation of the poppy before 1917, we are to shut down our exports at the same time. In the interval, as each province stops its production and import of native opium, the admission of Indian opium into that province is to cease ; the ports of Shanghai and Canton, however, being the last to be closed. Finally, we agreed to a consolidated import duty of Rs89 a chest, being a very large increase on the old duties and a welcome addition to the Chinese revenues.
- (b) The concessions which China made on her side were these. An excise tax equivalent to the import duty was to be imposed on native opium. All other taxation and all restrictions (such as those at Canton) on the wholesale trade in our opium were to be withdrawn. Facilities were to be given to our officers to investigate the facts of cultivation, taxation and trade restrictions in the interior.
- (c) In a supplement to the agreement it was settled that, though the other Treaty Ports would be closed to it at once, Indian opium not specially certified for China might be admitted into Shanghai and Canton for two months after the date of the agreement. All opium thus admitted, however, as well as all opium bonded in the Treaty Ports and in stock at Hong Kong for China on the date of the agreement, would be listed, except so far as it was covered by special certificates from us ; and the number of chests thus listed would be taken in reduction of our regular exports during the three years 1912 to 1914. The list, which was not completed till later, showed that the necessary reduction will be 3,820 chests in each of the three years.

"Such are the main features of the agreement which was concluded at Peking on the 8th of last May. The attitude of the Government of India throughout has been absolutely straightforward. We are in full sympathy with the reformation of China ; and we are prepared to make, and have made, large sacrifices to help her. But we cannot consent that, under the guise of a reform which may be no reform, revenue should be transferred from India to China without any other benefit to the latter. We unhesitatingly recognised the sincerity of the Chinese Government, but we demanded certain ordinary precautions to insure that our sacrifices shall not be frustrated by reactionary tendencies in the provinces, and we insisted that our trade, so long as it lasts, shall receive equal privileges with the trade in the indigenous drug. This is the spirit in which we pressed the claims of India ; and in this spirit the negotiations were carried to a successful conclusion by Sir John Jordan, the British Minister in China. To that distinguished official India is deeply indebted for his care of her interests and for the skill with which he secured a settlement that is sympathetic and just to China and to India alike.

"Since our agreement was signed in May, startling events have happened in China. Revolution and civil war have rent the country, and its ancient monarchy has now been replaced by a republic. Amid the inevitable confusion, the cause of opium reform has suffered in some measure, though we may hope that the setback has only been temporary. Cultivation of the poppy has revived in parts of the far interior, where it had been officially extinguished. And some spasmodic attempts have been made, at Canton and elsewhere, to infringe the Peking agreement. But nothing has occurred which cannot be explained by the suspension of the central Government: and on the whole our compact has been carried out with scrupulous care and has stood a severe test remarkably well. We of course have carried out our part of it with scrupulous care; and we have done more, for we have gone outside our bargain to help China, as I shall shortly explain.

"The operation of the agreement is automatic, except as regards the special measures for closing down our trade in less than seven years. These hinge upon the provisions of Article III, which will exclude Indian opium from any single province of China and the Treaty Ports therein (Canton and Shanghai always reserved) as soon as there is clear evidence that the province has ceased both to grow the poppy itself and to import native opium from other provinces where it is still produced. It is this provision which I apprehend will be the key to future developments. For the present, it has resulted in closing the whole of Manchuria and the provinces of Shansi and Sze-chuan. The two latter had been thoroughly inspected by Sir Alexander Hosie, the British Consul-General at Tientsin; and similar local enquiries are being extended, under that officer's direction, to all the other provinces. The work has involved protracted journeys through the hinterland of China amid conditions of no small physical hardship; and I am glad of this opportunity of acknowledging the great value of the services which Sir Alexander Hosie has thus rendered us.

"I referred a moment ago to the proofs which we have given China of our goodwill towards her by co-operating in matters which are outside the strict letter of our treaty obligations. The first of these, mentioned in my last Financial Statement, was our decision to ' earmark ' or certify opium for China from January 1911. The second was our postponement till the second half of 1911 of our usual monthly sales of opium for other markets than China. By these measures it was our purpose to help China through a critical time. In the early part of 1911 her position was that she could not exclude foreign opium without an international agreement. Meanwhile, prices were bounding up, and it was generally surmised that the closing of her ports was only a matter of time. The inducements were great to pour opium from all quarters into the country before the agreement could be negotiated, and thus to render nugatory her efforts to effect a direct and progressive reduction of her imports. Our action prevented this. Later, we took a third and even more important step, by curtailing the quantity of our opium sold for markets other than China. That step was pressed upon me, in a resolution which he moved in this Council last March, by my Hon'ble friend, Sir Sassoon David. I was unable to accept his proposal at the time for two reasons; first, because the whole question was under diplomatic discussion at Peking; and second, because we had carefully calculated the requirements of our non-China customers and found them to be well in excess of the 10,000 chests which my Hon'ble friend suggested. After the Peking agreement was concluded, however, we decided to cut down the 10,000 chests, which we had budgeted to sell, to 14,000; and thereby to reduce the possible margin for smuggling opium without our certificates into China. For 1912 we have brought the figure still lower to 13,200 chests. We doubt if this is sufficient for the legitimate local needs of Singapore and elsewhere. We know that it means an avoidable loss of revenue to us. But against the inconvenience and the sacrifice we have set our anxiety to prevent the illicit diversion of uncertified opium from less profitable markets into China. These then are our relations with our neighbour in this great and humane reform. She must in the last resort work out her own salvation; but India will assist her by every means in our power and will advance with her, step by step, until the goal is reached.

"Towards the close of the year a conference was held at The Hague by the Powers were represented at the Shanghai international commission on opium. The ostensible object was to conventionalize the findings of that commission. To ~~as~~ that particular object was comparatively unimportant, for

we have already undertaken all, and more than all, that China asked from us ; while our domestic control of the use of opium in India is not a matter in which we require international assistance. We welcomed the conference, however, from another point of view. It enabled us to lay before the Powers a narrative of the unselfish policy which India has followed. It gave us an opportunity of reviewing and improving our arrangements against the misuse of opium in this country. But above all it justified us in asking for the co-operation of the Powers in checking what I am convinced may become a much greater curse than opium has ever been, or is ever likely to be, to India. I refer to the consumption of cocaine and morphia and their respective congeners. The evil done by these drugs is already great ; their spread is rapid and insidious ; and nothing short of the most drastic State control over their manufacture and sale will stop the growth of a particularly degrading vice. I am happy to say that the conference accepted this view and that, with the assistance of Sir William Meyer, who most ably represented the interests of India, a convention has been drafted which, if the Powers accept it, will go far to strengthen our hands against this new danger.

"One word more and I close this account of our opium policy. I see relief depicted in every countenance. The poppy-growing States of Central India and Malwa are sufferers as well as ourselves from the loss of the China market ; and hitherto they have been unable to share with us the temporary compensation of the high prices fetched at the sales of Bengal opium. The whole of the permissible Malwa exports up to the end of 1911 had already been bespoken by advance payment of duty. Some of the Durbars endeavoured to secure a portion of the enormous profits of the trade by imposing extra transit dues : but their efforts were ineffective and lacked combination. It was clearly necessary for us to intervene, and we did so from the beginning of 1912. The old pass-duty of Rs 600 is now doubled ; and the privilege of obtaining our certificates for China is exposed to auction. We propose to credit one-half of the extra pass-duty and one-half of the auction fees to the Imperial exchequer, and to hand over the other half to the States on certain easy conditions and under a formula of distribution which they themselves have agreed upon. We intend also to give the Durbars an opportunity of securing a footing in the non-China markets, which they have made no effort to exploit in the past. For this purpose, 1,000 out of our 13,200 chests will be taken as an experiment from Malwa if arrangements can be made for marketing it and if reasonable prices are offered. In these ways we hope to mitigate to the producing States the blow that must fall upon them sooner or later. We believe that they in turn recognize the generosity of our intentions.

"There are three special reasons why I have dwelt at what may seem to be inordinate length on this dull subject. First, the future of our opium revenue has been made clearer by the agreement of last May, and a lengthy pronouncement of policy may not again be necessary. Second, I wished the Council to see that our attitude has not been vicarious righteousness on the one hand, or selfish obstruction on the other : we have made real and lasting sacrifices and manifested a practical faith in China's capacity for regeneration. Lastly, I desired to show that we have not ignored the legitimate claims of our merchants or the interest of the Malwa States. With these explanations I turn now to the financial outcome of our policy. In 1911 we sold 15,440 Bengal chests and exported 15,576½ Malwa chests with certificates for China. We also sold 14,000 Bengal chests for other markets. Speculation was active throughout the year, and reached its zenith in October, when the China drug rose to the phenomenal price of Rs 6,000 a chest. Then came the revolution and prices dropped, but they are still over Rs 4,000, while the curtailment of the Singapore sales has kept that section of the market strong. In 1912 we propose to sell 6,700 Bengal and export 14,560 Malwa chests for China, as well as 13,200 chests (of which 1,000 at the outside will come from Malwa) for other markets. The first two months of our new Bombay system of auctions have been satisfactory, the average yield (including pass-duty) having been close on Rs 3,000, of which we take Rs 1,800, and the Durbars the remainder. In the current financial year the net result is that Bengal opium is now expected to realise £1,241,000 and Malwa opium £334,000 more than I budgeted for.

"The true measure of this remarkable windfall is obtained by comparing our actual receipts with what we should have obtained under the sliding scale which as I explained last year, we treat as the gauge of normal conditions. The sliding

scale figure for the year is 615 lakhs ; our anticipated receipts are 878½ lakhs. The excess is £1,757,000, which we propose to use on precisely similar lines to the windfall which it was my good fortune to announce a year ago. Two-thirds of the amount will be remitted to London for the redemption of temporary sterling debt. The remaining third, or in round figures £566,000 (85 lakhs), will be distributed in grants for non-recurring expenditure of a beneficial character. Our precise disposition is briefly as follows :—

- £333,000 among the provinces for sanitation ;
- £133,000 among the provinces for agricultural improvements and similar purposes ;
- £40,000 to the Central Research Institute for work in public hygiene ;
- £33,000 towards the establishment of a School of Tropical Medicine in Calcutta ; and
- £27,000 for Government laboratories in Burma and at Parel (Bombay).

Last year the bulk of our opium windfall was earmarked for education : this year it goes to the sister grace of cleanliness. The details will be found in the explanatory memorandum attached to this statement ; and I have no doubt that my Hon'ble colleague, Sir Harcourt Butler, will explain next week the objects which these grants are intended to further.

“ Ordinary Revenue.

“ I am able at last to turn from the story of opium and its troubles to the ordinary business of the closing year. As I mentioned, we expect the total revenue, including that of the provinces as well as our own, to be nearly 3½ millions better than my original estimate. Of this improvement £3,400,000—or practically the whole—is Imperial in its origin. The fact is disguised, as I shall shortly explain, by large transfers of revenue from the Imperial to the Provincial exchequers ; but, to get a clear view of the position, we must for the moment neglect these transfers. Of the true Imperial betterment then, close on £1,600,000 is accounted for by the high prices of opium, and £1,800,000 by the general increase in the prosperity and trade of the country.

“ The main contribution to this great advance comes again from our State railways. Every one of our main lines has shared in the improvement. Wheat, cotton, jute, coal and oil seeds swelled the returns ; the passenger traffic has grown exceedingly ; and the extra business brought by the Royal visit has outrun our expectations. The total earnings for the year are now expected to be £1,587,000 above our budget, and the highest on record. This growth of receipts has meant of course extra expenditure in working the traffic, and extra payments in profits to the companies which lease our lines ; so that the increase in net revenue is £1,185,000. Closely associated with our railway figures, as they must always be, are our Customs returns, which promise an increase of £330,000 over our budget estimate. For this we have to thank petroleum, piece-goods and rice ; petroleum imports having been stimulated by a rate war among the great oil syndicates ; piece-goods being always an active market in prosperous years ; and the export of rice being in abnormal demand to meet a shortage in the Far East. To enumerate all the other heads of revenue which have contributed to our surplus would take more time than I can spare. The chief of them are interest, with an excess of £237,000 earned almost entirely by the high balances in our Home treasury ; Mint where, owing mainly to the demand for British dollars in consequence of the troubles in China, our receipts have risen by £143,000 ; and Exchange, which has been strong throughout the year and has brought us an additional £106,000. I am glad to see that the consumption of Salt, and with it our revenue, have begun to move again after a long period of stagnation. There was some holding-up of stocks before the Durbar in the hope of a reduction in the duty : but a brisk business is now being done and, in spite of the growing popularity of credit sales in Bengal, the revenue is expected to be £65,000 higher than our estimate.

“ The one and only budget head that has disappointed us is Land Revenue, where our figures faithfully reflect the distress in parts of Bombay, and the failure of the early autumn crops in certain areas of the Punjab and the United Provinces. The sale of proprietary rights in the canal colonies of the Punjab has also advanced more slowly than seemed probable a year ago. The deficiency from

the budget, for the head as a whole, is £960,000, of which approximately a half would be the Imperial loss.

"The marked improvement in our resources, however, has enabled the Government of India, with the concurrence of the Secretary of State, to make a number of important grants to the provinces; and this pleasing operation takes the technical form of increasing the provincial shares, and *pro tanto* diminishing the Imperial share, of the land revenue receipts. It will thus be found that, in place of a drop of about half a million, our figured tables show an apparent deterioration of nearly £2,800,000 from the budget estimate of our Imperial income from this source; while the provinces instead of being about half a million to the bad, are shown as being £1,639,000 to the good.

"The grants which we have thus made out of our abounding good fortune cover a large field. I have already mentioned the £566,000 allotted from the excess opium receipts. Of those which are taken from our general resources I need enumerate only the more important, referring my Hon'ble friends to the explanatory memorandum for greater detail:

- £782,000 in connection with the re-constitution of Bengal and Assam;
- £212,000 for the cost of the Royal bonus of half a month's pay to provincial officers in civil employ;
- £,72000 for the remission of famine debts in Kathiawar, as announced at the Delhi Durbar;
- £167,000 to the Madras Corporation in aid of its waterworks and drainage scheme;
- £133,000 to Burma for the improvement of communications;
- £58,000 for special provincial expenditure in Assam and Burma on the expeditions upon the North-East frontier.

The first of these grants represents the cost of providing suitable opening balances for the three new provinces of Bengal, Assam and Behar and Orissa. The other grants explain themselves. They are all non-recurring.

Ordinary Expenditure.

"The expenditure of the year is less by £843,000 than we provided for in the budget. £225,000 of this occurs in the Provincial account, mainly as a consequence of the inability of the local Governments to spend in full their grants for education and sanitation. The Imperial savings come to £618,000, which may be taken as appearing almost wholly under two heads,—the Royal visit and the Opium Department in Bengal. Apart from these, there has been an increase of about £100,000 in Military expenditure which will be explained later. On the other hand, the £120,000 which was allotted under a new head for Protective Irrigation has not been utilised,—a disappointing result in view of the importance of these works. In other respects our estimate of expenditure was a very close one, and there are no material departures from it. The non-recurring expenditure on the Royal boons, in so far as it falls into this year's expenditure accounts, was met without difficulty by savings in other directions.

"The opium charges require a few words of special notice. China's zeal for reform and our pledges of assistance mean a large and, we must assume, a progressive reduction in our output of Bengal opium. To keep abreast of this, we have closed down the Patna factory and abolished the appointment of Opium Agent for Behar. We have focussed the administration in one Agent, and the manufacture in one factory, at Ghazipur. We have also concentrated the area of licensed cultivation, giving up Behar entirely, as well as a number of the outlying districts in the United Provinces. How drastic the reduction has been, may be judged from the fact that in 1906-07, the last year before we began to curtail our exports, the area under poppy was 900,000 bighas; in the current season it is only 325,000 bighas. Recruiting for the department has of course been stopped for several years; but the sharp restriction of area in the present year, with the closing of one factory and a number of sub-agencies, has necessitated some retrenchment in establishments. I should like to explain how this is being carried out. I should like also to express the sympathy of the Government of India with a body of deserving officials for whom the outlook for some time past must have been full of uncertainty and gloom. What we are doing is first, to get rid of the least efficient of the opium employes

on such pensions or gratuities as the rules permit ; second, to transfer to other departments all who are fit for a new class of employment ; and third, to encourage the retirement of the senior men by offering full pensions to all those who are within five years of completing their qualifying service. On these lines we are dealing with every rank, from the highest paid departmental officer down to the humble peon, and we hope to prevent any genuine hardship. The notices of discharge which were served on a number of the gazetted officers have been withdrawn ; several of the younger men have been provided by the United Provinces Government with posts in the provincial civil service ; the claims of others are still being pressed in different offices ; and any who are ultimately redundant will be retained as supernumeraries until we can absorb them or find other employment. When the department has been lightened in this way, and by the acceptance of the special pensions which we are offering, we trust—though of course we cannot promise—that it will be put on a footing which will make further retrenchments unnecessary. The area of cultivation is now as low as it need be for several years ; and any future reductions will probably be no more than parallel with the normal decrement of an establishment for which there is no recruitment.

“ To come back to the present, however, the Council will perceive a saving of £445,000 in opium charges. This is due in part to the economies in administration which I have just mentioned, but in the main to the abnormally thin yield of the last poppy harvest. The consistence was poor, and our payments were correspondingly low.

“ Expenditure on the Royal Visit.

“ I now, my Lord, wish to describe briefly, and of necessity in somewhat general terms, the expenditure incurred on the Imperial Durbar at Delhi and on the other incidents connected with the visit of the King-Emperor and Queen-Empress to India. Our accounts have not yet been closed or compiled, and considerable alterations in detail may still have to be made. But, looking back to the cordiality and even the enthusiasm with which this Council applauded the provision entered for the Royal visit in my last budget, I consider myself bound in courtesy to take this, the first available, opportunity of laying before them the manner in which that provision has been used. It will be remembered that the total allotment for the Royal visit was £1 million sterling. It was necessarily a very rough forecast, as we had no estimates to go upon at that early date : but our feeling was that it would enable Their Imperial Majesties to be received and entertained in a manner suitable to the wishes of their Indian subjects. One-third of this million was to be military expenditure ; and the remainder appeared in the civil estimates, with a small deduction for recoveries from the sale of tents and other equipment. The total net provision for Imperial Civil charges, including a small advance grant in 1910-11 was £633,000. The actual net expenditure against this grant, so far as we can at present estimate, may be tabulated as follows :—

(a) On the Durbar at Delhi :—	£
Administrative charges	52,100
General services, roads, lighting, water supply, sanitation, etc.	190,100
State ceremonies	58,300
Sports, garden party, fireworks, music, etc.	20,000
King-Emperor's camp	56,000
Camps of the Government of India, Foreign Department, Commander-in-Chief, Political and other Imperial officers	115,600
Visitors', Press and Police camps, etc.	60,300
Miscellaneous	12,200
Less recoveries	—143,800
TOTAL	£420,800
(b) On the Royal tour	48,300
(c) On medals and other incidental charges	13,300
	£482,400

We have still to meet the cost of an addition to the regalia. Allowing for this and leaving a small margin for charges which have not yet come in, we may take the net expenditure at £560,000.

" The allotment provided in the Military budget was £333,000, which was intended to cover a very large concentration of troops at Delhi. When the failure of the early rains in Northern India indicated difficulties about food supplies and forage, the Military programme was reviewed and the number of troops under orders for Delhi was materially reduced. The actual estimated expenditure has been only £207,000. It will, I am sure, be no small gratification to this Council that the reception of Their Imperial Majesties was carried out on a scale worthy of the occasion, and yet with a regard for economy which has left us so well within the funds allotted for the purpose.

" The expenditure from Provincial revenues on the Royal visit had not been the subject of any reasoned estimate when the budgets of the various local Governments were framed in the opening months of 1911. It was worked out, however, during the hot weather in the closest consultation with the Government of India, and we have now got provisional accounts. It is estimated that the eight major provinces spent £173,000 on their camps at Delhi, and about £72,000 on local celebrations, illuminations, etc.

" Such then, so far as we can judge from our unfinished accounts, were the charges for the reception and entertainment of Their Imperial Majesties. But the Council will probably expect me to narrate also the cost of the Royal bonus and the various minor boons which were announced by Your Excellency on behalf of the King-Emperor at Delhi. For these of course there could, in the nature of things, be no budget provision; and some of them entail expenditure or loss of revenue which will not be brought into our accounts for some time to come. The only boon of any importance for which I have a reasonably complete estimate is the bonus of half a month's pay to certain civil employes and to the Army in India. The whole of this will be met from Imperial revenues; and we believe that it will cost about £325,000 in the Civil accounts and about £166,000 in the Military accounts, or a little under £500,000 in all. The remission of debts in certain Native States means a loss of nearly £85,000; and the monetary effects of the other boons (apart always from the grant for Education) is inconsiderable. I believe, therefore, that I should be safe in putting the total figure at £600,000 at the outside.

" Budget Estimate for 1912-1913.

" I now leave the eventful year which closes with this month, and open my budget for 1912-13. There is no one who realises more keenly than I do the dangers of prophesy in India; but the budget forecast must inevitably involve some element of prophesy. All that I can say is that our prospects to-day are excellent, and that we have every hope that the brightness of the outlook will continue. I propose, then, avoiding unreasoning optimism on the one hand, and holding fast to my faith in the progress of India on the other, to estimate again for a year of normal seasons and trade. There still hang over us the uncertainties of the opium revenue, and there are, as there always will be, special claims of an urgent nature upon our exchequer. But with care and economy we shall be able, during the coming year at least, to discount the former and to satisfy the latter without any addition to the burden of our taxation. On the other hand, our position is not one which justifies any important remission of taxes. I present to-day, therefore, what I may call a 'No Change' budget. My estimate is that the revenue and expenditure, Imperial and Provincial, will balance almost exactly at £79½ millions. In the purely Imperial section of the accounts, however, there will be a surplus of approximately £1½ millions, which it is proposed, for reasons that I will touch upon later, to retain unimpaired.

" Revenue.

" If we set aside Opium, the total revenue, Imperial and Provincial, for which I budget is almost the same as in the current year. We expect an improvement in the Land Revenue collections and in those other classes of receipts which respond most directly to favourable agricultural conditions. On the other hand, I have taken a somewhat conservative estimate of Railway and Customs revenue, while we cannot count upon a continuance of this year's high receipts from Mint and Interest. The net result, as I have said, is practical equilibrium. But in the Imperial section of the accounts, with which we are at present more immediately concerned, the position is one of considerable strength, seeing that we have not to repeat the large

non-recurring grants to the provinces which diminish our share of the land revenue receipts in the current year. Apart from opium, which as usual throws the comparison out of gear, the Imperial revenue which we hope to obtain next year will be £920,000 in excess of our estimated receipts in 1911-12. I shall dispose of opium first, and then discuss this figure in some detail.

"The consequences of the new agreement with China are written large across our estimate of opium revenue. The number of chests which we may sell with China certificates in 1913 is limited to 16,580, of which we are under a promise to offer 14,860 to Malwa. Our China sales for each calendar year will now, in all probability, be held from January to October in Calcutta; and in Bombay from the preceding November to August. Our uncertified exports will amount to 13,200 chests, of which we shall give Malwa a chance of taking 1,000 chests; and the sales will be spread over all the months in the year. I shall spare the Council the reasons for these divergencies in procedure, which are intended to secure the maximum of revenue with the minimum of inconvenience to the trade. I shall also spare my Hon'ble friends the puzzling calculations which are needed to fit these arrangements into the mould of the financial year; and will merely say that it is proposed to sell altogether 19,821 chests for China in 1912-13, which, with the 13,200 chests for other markets, gives roughly 33,000 chests in all. As compared with the much larger quantity on which we have been paid in the current year, this in itself suggests a considerable fall in revenue. But I have not ventured to budget for the same high prices as we are now receiving. With the restoration of settled government in China, we may look for the revival of more rigorous measures against the opium habit, and these are likely in turn to affect the tone of the market for our exports. In any case prudence forbids us to attempt to follow the vagaries of a highly speculative market. Between a falling output therefore and a cautious forecast of prices, my total estimate of opium revenue for next year is £2,235,000 below what we expect to obtain in the current year. The actual figure is 543 lakhs, which happens to be almost identical with the figure (540 lakhs) for 1912-13 on our theoretical sliding scale. If prices should outrun our calculations, I have little doubt that we shall find useful employment for the money.

"The improvement in our Imperial receipts from general sources is of a negative character, being entirely due to the smaller volume of special grants to local Governments. In other respects we do not look forward to the same high revenue returns as in the current year. Under Railways in particular I have thought it wise to assume some slight relaxation after the rich harvest of the Durbar year. It is not only that we shall have no Royal visit; but so much depends on trade conditions which it is impossible to forecast, and I think a moderate margin of safety should offend no prudent publicist. I have accordingly taken the net earnings of our State railways at £605,000 less than in the present year. Similarly with Customs. If the almost feverish activity of the trade in rice, silver and petroleum were to continue, our Customs receipts would probably touch the imposing figure of 10 crores. But all booms have their day, and we have made a deliberately moderate estimate for these commodities; the net result is a reduction of £146,000 from this year's receipts. Three other heads of Imperial revenue yield somewhat fortuitous contributions to the decline. Interest is worse by £192,000, because the balances in our Home treasury are being materially reduced; Mint by £135,000, because we do not expect the same demand for dollars from China; and Exchange by £106,000 for the technical reason that we always budget for our exchange transactions at par.

"In the classes of revenue which are more closely associated with the internal prosperity of the country, we anticipate no set-back. Now that the Salt revenue is moving, we expect that it will rise by another £31,000. From Stamps an improvement of £71,000 is probable; and a still larger increase would have been taken for Excise if it had not been obscured by the complete provincialization of that source of revenue in Bengal. The chief advance, however, is under Land Revenue, where the return of normal conditions in the areas that suffered from the irregularities of the last monsoon will, we trust, be the main contributor to an increase of which the Imperial share should be something in excess of £400,000.

"This brings me to the dominant factor in the whole comparison—the provincial grants which appear as land revenue assignments, and the reduction in which will push up our apparent Imperial receipts. The details are complicated and

can better be set out in the explanatory memorandum. But their net effect is that we are saved the non-recurring grants of roughly £2 millions which signalize the current year, and that we propose, as I shall explain later, new recurring grants of about £½ million in the coming year. There is thus an addition of £1½ millions to the Imperial share of the land revenue, over and above the £400,000 which comes to us from improved collections.

“ Expenditure.

“The position in regard to expenditure is fortunately simple, and not unsatisfactory. Imperial and Provincial charges together, the total provision for next year is nearly £1½ millions higher than the estimated expenditure of 1911-12. The whole of this excess, however, occurs in the provinces; and by far the major part of it represents drafts on the large Imperial subsidies for education, sanitation and other beneficial services which are being placed at the credit of local Governments. When we turn to the estimate of Imperial expenditure, we find that there is an actual decrease, the total being £76,000 less than in the current year. The chief factors in this result are the following. Our Interest liabilities show a growth of £277,000, moving, as they must always do, with the growth of our borrowings, and also in a minor degree with the expansion of our provident funds, savings bank deposits and the like. Our Railway revenue charges, apart from interest on the regular railway debt, are also higher by £97,000. But the only other large excess over the grants in the current year appears under Education and represents a special reserve of £530,000 for the advancement of this great service. Otherwise the spending departments have shown much restraint, and there is little or no general rise in administrative charges. On the other hand, there is a noteworthy drop of £511,000 in military expenditure to which I shall refer later; and as if to make room for the new education expenditure, we have a reduction of £486,000 under the head where the outlay on the Royal visit is recorded in the current year.

“With the substantial improvement in our general revenue and the curtailment in expenditure, it is obvious that we are in sight of a large surplus. It was decided therefore to take an important step forward in the path of educational reform. The King-Emperor had announced at Delhi a permanent grant of 50 lakhs (£333,000) for the furtherance of truly popular education. We have decided to add another recurring £67,000 to the Royal boon, and to supplement it further by a non-recurring grant of £433,000. The total new provision for the year has thus been raised to the handsome figure of 125 lakhs, or more than the whole amount which we spent this year in connection with the Royal visit and the Delhi Durbar. I will leave it to my Hon'ble friend in charge of the Education department to describe how the money is to be employed, and I confine myself to explaining where it is to be found in the estimates. £300,000 of the recurring grant has been transferred, through the usual method of Land Revenue assignments, to the provinces which have regular financial settlements, and £3,000 to the North-West Frontier Province. The remaining £97,000 recurring and the whole of the £433,000 non-recurring have been entered, for the present, as an Imperial reserve under the Education head, for distribution at more leisure.

“There are two other small matters which we have taken the opportunity of disposing of. One is the provision of a small reserve (£15,300) for strengthening the sanitary services in India in accordance with a scheme which is now before the Secretary of State. I invite the attention of the Raja of Korapam to this. The other is the abolition of the last of the petty cesses upon the land against which my predecessor waged incessant war. The cess in question is the village service cess in proprietary estates in Madras; and as I have explained more than once, the reasons why we have not hitherto taken up the question are first, because we had no money, and second, because we could not remit the cess before it was imposed. The levy of the cess is now being extended as the old service tenures are being resumed; and it is estimated that its relinquishment will cost Imperial revenues £17,000 a year, rising gradually until the proprietary estates have been wholly relieved. The rent of the tenures will be credited as Land Revenue, of which the province will receive a moiety. The province will pay the salaries of the village servants; and the net loss to provincial revenues will be made good by Imperial assignments.

"Delhi Expenditure."

"No narrative of next year's programme of expenditure would be complete without a reference to the momentous project which lies before us in the construction of the new Imperial Capital of India at Delhi. I may say at once that we are not yet in the possession of any estimates of its cost. Plans for the temporary housing of the Government of India headquarters are under preparation; but no plans for the permanent Imperial City are to be thought of until the best available experts have studied and advised upon the project in all its bearings. Meanwhile, my immediate duty has been to devise a scheme for financing the work, a scheme which will be as little onerous as possible to the taxpayers of India. Three possible alternatives have presented themselves throughout. The first, and in some ways the most attractive, would be a special Delhi loan. The second would be to charge the whole expenditure, as it occurs, against current revenue. The third would be to put the Delhi works on precisely the same footing as our large railway and irrigation works, treating them as capital expenditure and financing them partly from loans and partly from whatever spare revenue remains in each year after meeting our ordinary administrative needs. I shall not weary the Council by the various considerations which decided us, with the full approval of the Secretary of State, to adopt the third of these courses. It will, I believe, commend itself to the financial and commercial community of India. By treating the Delhi operations as ordinary Capital works, we ensure the greatest possible elasticity in the provision of funds; we avoid unnecessary additions to our unproductive debt; and I hope we allay the fear—so far as I am concerned, a baseless fear—that the new city will be built from the produce of fresh taxation.

Our programme then is this. So long as large sums of money are wanted for Delhi, we shall raise as much as we can along with our ordinary rupee loans, being guided in the amount of our borrowing by the state of the money market rather than by the precise estimate of expenditure for the year. If money is easy and we can obtain more than we immediately require, it will lie in our cash balances available for future use. Meanwhile, as we shall now have three sections in our annual Capital programme instead of two, we may reasonably enlarge the conventional figure of one crore which we have hitherto endeavoured to secure as our revenue surplus. There is no need to fix any standard surplus; much will depend on the circumstances of the year and on the other interests concerned; but whenever we find ourselves able to budget for a larger surplus than £667,000 without detriment to the other claims upon us, we shall do so until the financing of the new Delhi is completed. It is on these lines that we are budgeting for 1912-13. We propose to raise a rupee loan of 3 crores, the whole of which, so far as we can at present judge, will be available for Delhi; and we leave our surplus at the unusually high figure of £1½ millions, out of which at least one crore can be used for Delhi. Our estimate of what we shall need for actual expenditure within the year is two crores, shown under a new Capital head which will be observed in the tabular statements. Whatever part of our total provision is not required, will remain in our general balances for future use. The current administrative charges of the Imperial area, as opposed to the initial outlay, will of course be taken in the ordinary revenue account, and we have entered a lump provision of £33,000 in the 1912-13 budget for that purpose.

"MILITARY SERVICES."

"Under Military Services the expenditure for five years is shown in the following table:—

	Gross.				Total.	Nrr.
	Army.	Marine.	Military Works.	Special Defences.		All Military heads.
	£	£	£	£	£	£
1908-1909	19,177,266	476,957	967,362	29,044	20,650,629	19,602,088
1909-1910	18,901,181	461,157	858,342	28,004	20,249,284	19,112,323
1910-1911	19,131,780	445,867	899,705	7,987	20,485,339	19,264,312
1911-1912 (Budget)	19,444,600	447,300	924,400	6,900	20,823,200	19,575,200
1911-1912 (Revised)	19,572,400	455,200	889,200	7,000	20,923,800	19,590,700
1912-1913 (Budget)	19,084,700	447,100	860,600	20,200	20,412,600	19,094,500

In our Army estimates for the current year we provided £½ million for Coronation expenditure. This grant was designed to cover the military cost of the Delhi Durbar and of the general manoeuvres by which the assembly at Delhi was to be preceded, as well as other military charges connected with Their Imperial Majesties' visit to India, such as expenditure on escorts at Bombay and Calcutta, and also to provide for the despatch of a contingent to England to represent the Army in India at Their Imperial Majesties' Coronation at home. But the unfavourable outlook in the early monsoon period made it necessary to recast the original programme. It was decided to abandon the intended manoeuvres altogether, to reduce the number of troops to be concentrated at Delhi, and, in the interests of the civil population, to rail all troops except those in the immediate neighbourhood. Notwithstanding this modification of the original programme, the numbers brought to Delhi eventually reached the high total of 57,000 soldiers, 18,000 followers and over 20,000 animals. The total expenditure on the reduced scale was finally estimated at £206,700, and it appears that this estimate will be very closely adhered to. The military accounts of the Durbar and other services connected with the Royal visit and Coronation are rapidly approaching completion; and the latest forecast of the accounts authorities indicates a probable outlay of £161,700 (less receipts amounting to £3,500) in connection with the concentration at Delhi, while the total of other expenditure connected with the Royal visit is put at £27,300 and the cost of the Home Coronation contingent at £18,300. These figures do not include the bonus of half a month's pay which was issued to the military services in common with the civil departments, and for which no provision could of course be made in the original budget. This concession cost the Army £165,700.

"The excess outlay thus entailed and the cost of the Abor expedition together with the friendly mission to the Mishmi country (£124,300) may be regarded as met from the lapses which occurred in the schedule provision, owing to delay in the prosecution of various schemes, of which the most important were those of artillery re-armament and line-rebuilding. As regards the ordinary charges, the budget provision was fully utilized and some additional grants were made in view of the improved receipts, with the result that the year is expected to close with a small net excess of £15,500.

"It should be noticed that in both the present and the coming year there is a heavy bill for special services. Apart from the Delhi Durbar and the Abor expedition already mentioned, the arms traffic operations were continued at a cost of £118,900, the total expenditure from the outset up to the end of the current year being thus raised to £340,300; and the Indian Government had also to meet a share (£17,000) of the cost of sending a regiment to strengthen the consular guards in Southern Persia. In the coming year it is estimated that the winding up of the Abor operations will involve an outlay of £35,700. The provision of £133,300 for the continuance of the arms traffic operations is repeated, and £11,200 is provided towards the additional cost of the consular guards. On the other hand, a windfall of £76,700 is anticipated from the absence of certain troops in China.

"Apart from these special services, the budget of 1912-13 has been mainly influenced by the enquiry into the possibilities of retrenchment which was promised a year ago. The schedule grant has been reduced by £75,200, as compared with the figure adopted in the current year, and its application will be limited almost exclusively to the provision of primary requirements of the Army such as guns, rifles, bayonets and swords, and to the prosecution of the scheme for providing Indian troops with sound and well constructed lines, and the continuance of other military works now in progress. In pursuance of the same policy, expenditure has been temporarily curtailed in various directions, and a number of permanent economies effected, while other important suggestions are still under consideration. This investigation will not be concluded until the Government of India and the Secretary of State have received and dealt with the reports of Field Marshal Sir William Nicholson's Committee, which will enquire into army expenditure during the coming summer, and Admiral Sir Edmond Slade's Committee, which has just completed its examination in marine expenditure. Meanwhile the effect has been to curtail expenditure, whether temporarily or permanently, by a sum of £191,200, of which the budget for the year takes account. We are also relieved by the disappearance of the provision for Coronation Durbar

expenditure; and though in some directions, and especially in regard to the food charges and the provisions of stores, some additional outlay has to be faced, the final result is a reduction of the net military budget by £480,700, which brings down the total net figure, namely, £19,094,500, to an amount lower than that of any year since 1903-04.

"Railways.

"In accordance with the usual practice, I have had the figures of capital expenditure on railways during the last five years brought together, and compared with the similar estimate for 1912-13. The table includes all capital outlay whether incurred by the State or through the agency of guaranteed or assisted companies.

	1907-1908.	1908-1909.	1909-1910.	1910-1911.	1911-1912 (Revised).	1912-1913 (Budget).
	£	£	£	£	£	
Open lines including rolling stock	7,328,000	8,532,741	6,532,441	5,002,843	5,217,400	6,341,200
Lines under construction—						
(a) Started in previous years	2,008,800	1,386,200	1,482,062	2,055,284	2,638,000	2,578,800
(b) Started in current year	..	146,190	369,291	387,821	263,000	80,000
	10,334,800	10,045,071	8,384,694	7,445,928	8,118,400	9,000,000

"On the 31st March 1911, the total length of open lines was 32,398·81 miles, classified according to gauge as follows:—

5' 6" gauge	16,758·05
Metre (3' 3½")	13,633·28
Special gauges (2' 6" and 2')	2,007·48
TOTAL	32,398·81

"During the current year we have added to these approximately the following mileage:—

5' 6" gauge	322·30
Metre (3' 3½")	308·91
Special gauges (2' 6" and 2')	70·11
TOTAL	701·32

During the ensuing year it is intended to increase this length by 790·55 miles.

"In the current year the return on the capital at charge amounts to 4·99 per cent. as compared with 4·66 in 1910-11, 4·48 in 1909-10 and 3·69 in 1908-09. The rate of interest which we have taken for the year on the debt chargeable to railways is 3·377 per cent.

"The current year has been more favourable than last year, and the traffic returns show that there will be a large improvement over the Budget Estimates. The improvement is largely due to general development of traffic on railways and to additional traffic in connection with His Majesty's visit to India and the Delhi Durbar. The grants for working expenses are likely to be larger than the Budget Estimate by £346,700.

"If we take the Railway Revenue Account as a whole and set the interest charges, the annuities and Sinking Fund payments and the minor debits (cost of land, etc.) against the net earnings, we find a surplus of £2,989,300, which accrues to general revenues, against a net gain of £2,017,500 in 1910-11.

"In the Budget Estimate of next year provision has been made for a decrease in the gross receipts compared with the current year, for reasons to which I have already alluded. The latter includes an extra day's earnings in February, and special traffic in connection with the Royal visit and Delhi Durbar. Provision for working expenses has also been put a little higher on account of necessary renewals

of permanent-way, rolling stock and strengthening of bridges. It is expected that the net surplus after providing for interest charges, which show an increase on account of growth of capital, will be £2,021,900.

"Irrigation.

"The financial position of our great Irrigation undertakings may be gathered at a glance from the following table, which carries on and brings up to date the information that it has been customary to give in previous Financial Statements.

Particulars.	1908-1909.	1909-1910.	1910-1911.	1911-1912, Revised.	1912-1913, Budget.
<i>Productive Works.</i>	£	£	£	£	£
Capital outlay to end of year	28,022,898	29,145,119	30,355,971	31,863,000	33,386,800
Direct receipts	2,213,644	2,249,011	2,236,989	2,314,300	2,225,700
Land Revenue due to Irrigation	1,084,773	1,111,138	1,170,085	1,362,100	1,375,200
TOTAL RECEIPTS	3,298,417	3,360,169	3,407,054	3,676,400	3,600,900
Working Expenses	1,011,140	1,065,481	1,080,404	1,086,000	1,050,000
Interest on debt	930,708	960,829	1,004,080	1,051,700	1,104,600
TOTAL WORKING EXPENSES	1,941,848	2,026,310	2,085,084	2,147,700	2,154,600
NET PROFIT	1,356,569	1,333,859	1,321,970	1,528,700	1,446,300
<i>Protective Works.</i>					
Capital outlay to end of year	2,736,094	3,112,121	3,444,204	3,814,200	4,291,900
Direct receipts	33,080	58,066	51,061	57,900	66,800
Land Revenue due to Irrigation	6,271	6,230	7,940	9,100	9,100
TOTAL RECEIPTS	40,251	64,296	59,001	67,000	75,900
Working Expenses	25,449	28,730	29,217	42,700	55,000
Interest on debt	86,619	97,892	110,730	122,600	136,900
TOTAL WORKING EXPENSES	112,068	126,612	139,947	165,300	192,900
NET LOSS	71,817	62,316	80,946	98,300	116,900
<i>Minor Works and Navigation.</i>					
Direct receipts	219,334	235,601	228,165	243,400	244,300
Expenditure	879,339	839,435	877,728	848,400	909,300
NET LOSS	660,005	603,744	649,263	605,000	665,000

"On the 31st March 1911, 58,251 miles of main and branch canals and distributaries had been constructed, commanding 48 million acres of culturable land, the area irrigated in 1910-11 being about 22 million acres. The productive works during that year yielded a net return of 7·66 per cent on the capital outlay of £30 millions after paying all charges exclusive of interest. The net profit to the State was £1,322,000.

"The revised estimate for 1911-12 shows a net profit of £1,529,000 on productive works and a net return of 8·07 per cent on the capital outlay of £32 millions. Excluding works still under construction the net return on the balance of the capital expended (£28 millions) amounts to 9·78 per cent.

"On the 31st March 1912 we expect to have 58,684 miles of main and branch canals and distributaries constructed to command 48,734,000 acres of culturable land. It is expected that an area of nearly 22½ million acres will be irrigated during the year. In addition to the canals in operation, there are altogether 55 projects which are either under construction, awaiting sanction or being examined by the professional advisers of the Government. Of these 26 are productive, 23 protective and 6 minor works. The two former are designed to irrigate 8·80 and 1·18 million acres, respectively, at a total capital cost of about £31 millions and £6½ millions, respectively. The productive works are expected to yield a net return of 7·28 per cent on the outlay.

"Of the projects referred to in paragraph 48 of the last year's Financial Statement, the Ghaggar, Twante, Mahanadi and Wainganga canals were sanctioned

during the year. The other three schemes, *viz.*, the Cauvery Reservoir Project, the Sukkur Barrage and the Rohri Left Bank canal are still under the consideration of the Government of India. Another most important scheme which is now before the Government of India is the Sarda-Ganges-Jumna Feeder project, mentioned in paragraph 63 of the Financial Statement for 1909-10. This work is estimated to irrigate 1,528,400 acres situated in two Provinces, twenty-five districts and three Native States. An estimate for providing permanent Head Works for the Upper Ganges canal, amounting to nearly Rs26 lakhs, is about to be submitted to the Secretary of State for sanction. This work will serve to render the water supplies of the Upper Ganges and Agra canals more assured during critical times. Satisfactory progress continues to be made in the construction of the triple canals in the Punjab. The probable dates of opening of the three canals are as follows :—

Upper Chenab canal—May or at latest October 1912.

Upper Jhelum and Lower Bari Doab—1914.

“The works on the Upper Swat River canal in the North-West Frontier Province are now about half finished and are proceeding satisfactorily.

“ Provincial Finance.

“In saying a few words on the provincial finances I have no intention to try the patience of the Council with a disquisition such as it was necessary to impose upon them a year ago. The scheme of permanent financial settlements which I then described is still in its infancy, though it could not have had a much better start than the current year has given it. The only province that has caused us any anxiety is Burma where the revenue has been disappointing and the turn of the tide has not yet come. In order to prevent either a large overdraft, which under our new arrangements is inadmissible, or practically a complete suspension of its public works, we have made the province a special gift of £133,000 to be spent on the improvement of its communications. The other provinces have all fared extremely well, and I have every hope that the permanence of their settlements will strengthen the spirit of economy and self-reliance in the provincial administrations, while leaving them ample margin for all legitimate expansion.

“The even tenor of our way, however, was broken by a cause which none of us foresaw a year ago. The re-constitution of Bengal means the abrogation of the settlements with the two existing provinces, and has led to the formation of new settlements with the three provinces which are now to take their place. Such settlements we have now framed, and the budgets for next year have been drawn up in accordance with them. It was obviously impossible to endow the new arrangements with the same permanency as in the older provinces. In Behar and Orissa there must be a considerable amount of initial expenditure before the province settles down to normal conditions, and in Assam it will be some little time before we can estimate the permanent requirements of a tract which shows promise of important developments. Moreover the methods adopted in framing the settlements standards were of necessity in some measure tentative and provisional. The arrangements which we have concluded therefore are for three years, in the hope that, after that period expires, it will be possible to gauge the needs of the new provinces with sufficient accuracy to justify us in giving them permanent settlements.

“In all other respects our temporary settlements follow the ordinary lines. In each of the three provinces the Imperial exchequer will receive one-half of the receipts from Land Revenue and one-half of the net receipts from Stamps and Assessed Taxes. In Bengal and in Behar and Orissa it will take half the net Irrigation revenue as well, and in the latter province one quarter of the net receipts from Excise. All other revenue and expenditure will be wholly provincial, and the shares which I have mentioned have been chosen with a view to bring the provincial accounts as near to equilibrium as possible so that the local Governments may get the full advantage of their growing revenues. The standards of expenditure have been fixed with moderate liberality, and besides distributing the existing balances we have strengthened the reserves of the new provinces by initial grants aggregating £782,000. The provinces will thus start their 1912-13 accounts with the following opening balances: Assam with £267,000; Behar and Orissa with £833,000; and Bengal proper with a round £1,000,000. These figures exclude the grants made from the opium windfall in the current year; and the Bengal figure includes £267,000 held for the Calcutta Improvement Trust. Behar and Orissa is treated well because it needs substantial assistance in the task of establishing a new head quarters. Assam is a country

of much promise, where we believe that judicious expenditure on communications and colonizing will amply repay itself in time. Bengal proper has been contending for some years against serious financial difficulties, which we are glad to mitigate, particularly if we thereby facilitate the steady improvement of the administration in the Eastern districts. We trust that our liberality will be justified, and that it will be regarded as an earnest of our desire for the well-being of the three new administrations.

" Ways and Means.

" The management of our cash balances, and the provision of adequate funds for all the multifarious claims upon them, have presented no difficulty in the current year. Our capital programme for 1911-12 was the expenditure of £9½ millions on Railways and about £1½ millions on Irrigation. We proposed to pay off roughly £2½ millions of debentures, bonds and floating debt; while on the other hand we meant to add £1½ millions in India and 4½ millions in England (the latter partly borrowed by Railway companies) to our permanent debt. We expected that our cash balances in England and India combined would be reduced from £28½ to £21½ millions, exclusive in each case of the uninvested portion of the Gold Standard Reserve. The Secretary of State's Treasury drawings were taken in the budget at nearly £16 millions.

" The actual position has been stronger throughout. The total capital outlay (excluding a small sum for Imperial Delhi) has been only £9½ millions, Irrigation having used a small fraction of the Railway lapses. The repayment of debt has been what we took in the budget:—£1½ millions of Madras and Indian Midland Railway debentures, £½ million of annual drawings from our Indian Bonds and £½ million of India Bills withdrawn. We have borrowed as we proposed in India: but the operations of our Railway companies in the London market have not been what we expected, and the total addition to our permanent sterling debt has been only a little over £2½ millions. Nevertheless, our cash balances have fallen only from £30½ to £29½ millions. The great improvement is due chiefly to the growth of the surplus, both Imperial and Provincial: to a large increase in savings banks deposits; and to bigger credits from departmental and judicial deposits. The Secretary of State's drawings against our Treasury balances have, owing to an active trade demand, been much higher than we provided for. They will probably be as heavy as £24½ millions; our surplus funds in India being thereby transferred to London, so that while our Indian closing balance is a little under 18 crores, that of the Home treasury will be about £17½ millions.

" In 1912-13 we shall have to finance a capital programme of £9,000,000 for Railways and of £1,416,000 for Irrigation, as well as to find £1,333,000 for Imperial Delhi. We also have Madras and Indian Midland Railway debentures to the value of £1,478,000 falling due; and it is proposed to repay the whole of our outstanding India Bills of £4,500,000, as well as to meet the usual £500,000 drawings of India Bonds. Our special liabilities outside the revenue accounts thus come to roughly £18½ millions, which it is intended to finance as follows. We shall have our estimated revenue surplus of £1,512,000. It is proposed to raise a loan of 3 crores (£2,000,000) in India and another of £3,000,000 in England; while it is hoped to obtain £1,810,000 through Railway Companies, apart from the money they raise for the discharge of debentures. This will give us about £8½ millions, and for the remaining £10 millions it may, for all practical purposes, be assumed that we shall draw on our high cash balances. The result of these, and of a host of minor and more everyday transactions, will be to reduce our balances on the 31st of March 1913 to approximately £19 millions. We estimate that the Secretary of State will sell Council Bills and Telegraphic Transfers upon us to the extent of £15½ millions and the result will be to leave £6 millions in the Home Treasury and 19½ crores in India. We may regard 2 crores as being kept in hand for future expenditure on Imperial Delhi.

" Besides the £15½ millions of drawings which I have estimated above, the Secretary of State will as usual sell additional bills on India so far as our resources may permit, if there is a sufficient demand for them. All my announcements about loans and drawings are subject to the ordinary reservations: the Secretary

of State and the Government of India retaining full discretion to vary the amounts mentioned above in any way and to any extent that may be thought advisable.

" Retrospect and Conclusion.

" And now I come, I think, to what we can call Mesopotamia—blessed is Mesopotamia. My Lord, I have nearly finished. But, before I sit down, I may be permitted a few words of retrospect. This is the last session of Your Excellency's Legislative Council which will be held in this chamber, and this year is the closing year of the first triennial term for which the present Council was appointed under the new regulations. Next year we shall meet in different surroundings, and there will probably be a number of new faces among us. In such circumstances it is not unnatural that we should look back across the last three years and register the progress we have made. When I laid my first budget before the Legislative Council of the old régime in March 1909, I ventured to forecast the results of the then impending reforms on the branch of Government business which is immediately under my charge. I said that I did not fear the change. I believed that, though there would be increased and more searching criticism, it would proceed not from any intention to embarrass a public servant who was honestly trying to do his duty, but rather from a desire to help him to effect improvement. I said that I should welcome criticism, because I believed that my critics would be actuated by a common desire to improve the work of those who govern and the condition of those who have to bear taxation.

" My Lord, I may confidently say that that forecast has been fully realised. It is not the time to sum up the influence which this Council has exercised on the general administration of India, or to estimate the services, which it has rendered alike to the rulers and to the ruled. But I can testify unhesitatingly to the power that the Council holds for good in directing attention to the finances of the country, in scrutinizing expenditure, and in advising the Government on the employment of the public funds. I have always found the criticisms of my non-official colleagues temperate, suggestive and helpful. Unable though we may at times have been to accept their opinions at once, they have not been without their effect on our subsequent arrangements; and even where we wholly disagreed, they have shown us fresh points of view and warned us of probable dangers. It is no exaggeration to say that the free interchange of views which this Council stimulates, has already become a powerful factor for good in the financial policy of India.

" It is not, however, the tendency of financial thought on which I wish to dwell to-day, so much as the movement of our finances themselves during the last three years. Measured by figures, this has been very striking. The year in which the new Council was elected, 1909-10, was one of slow and painful recovery from the effects of the famine and the international financial crisis of 1907. The shears of economy had to be brought out; but no great retrenchment was possible with the necessary promptitude, and some of the provinces—especially Eastern Bengal and Assam—were in serious difficulties like ourselves. There was also every prospect of a serious collapse of our opium revenue. The whole position was gloomy when the first of its budgets was laid before the new Council, and it was my painful duty to announce the imposition of new taxes. I am not going to fight all that battle over again. Recent events have somewhat obscured the necessity for the measures which we took in March 1910; but I believe they have caused the minimum of hardship; and I am confident that time will justify them, when our opium revenue ultimately dwindles and our other resources are strained by the growing demands for more schools and healthier homes.

" In 1909-10 we took in hand what I had recognized at a very early stage to be one of the main dangers of our financial stability, viz., our liability for provincial expenditure and our somewhat ineffective control over it. A scheme of permanent provincial settlements was worked out, defining the resources of local Governments and providing a specific procedure for enforcing their financial responsibilities. That scheme is now in force, and I believe that it will be found a source of strength to ourselves and an incentive to economy in the provinces. This reform and a steady campaign against avoidable expenditure occupied most of our energies in 1909-10. But simultaneously the tide turned after the long depression which had

begun in 1907, and since then there has been an almost unchecked advance in financial well-being.

"The actual figures of the period which I am reviewing may be stated very briefly. In 1909-10 the total revenue of India, excluding the gross opium receipts, was £69,100,000; in 1912-13 we expect that it will be £75,700,000. In 1909-10 the total expenditure of India was £73,100,000; in 1912-13 we are taking it at £79,300,000. The growth of normal revenue in the four years has been £6,600,000; the growth of expenditure has been only £6,200,000; and part of this latter figure represents special and non-recurring outlay (probably close on £900,000) out of the opium windfalls of the last two years. We are thus steadily building up our bulwarks against the dangers and the needs of the future. I am indebted to my official colleagues for their cordial co-operation in a policy of economy which, though it is now beginning to bear fruit, must often have been a disagreeable duty, and which I could not possibly have carried through without their cordial assistance and support for which I am extremely grateful.

"An analysis of the expenditure of the period gives remarkable results. The growth in our total spending has been, as I have mentioned, from £73·1 millions to £79·3 millions, or 8½ per cent. Within these totals, however, expenditure on education has risen from £1,705,000 to £3,043,000, or by 78 per cent; and on medical and sanitary services from £968,000 to £1,683,000, or by 73 per cent. During the same four years the growth in Police expenditure has been only 10 per cent and on our Military services it has been less than 1 per cent. There are obvious qualifications to any all-round percentage comparisons like these: but they do not obscure the main issue, the paramount importance that has been given, during the lifetime of this Council, to the furtherance of the objects which I know the Council has closely at heart. I might allude also to the increase in our provision for Irrigation, both productive and protective; but time is short and I must pass on to the more general aspects of our financial situation.

"The most faithful reflex of our general position would be found in an analysis of our public debt and the statistics of our foreign trade: but unfortunately figures for neither of these are yet available for the whole of the period which I am reviewing. So far as our statistics go, there is clear evidence that the additions to our debt since 1908 have been more than covered by the value of the railways and irrigation works which they have helped us to construct and acquire. Our borrowings, both in England and in India, have been studiously moderate; and we have not yet approached the full £12½ millions railway programme which has been advocated. The £6 millions of floating debt which we had to raise in 1908 has been very much on my mind: but it will, if all goes well, be completely repaid next year, thanks in a large measure to our opium windfalls. The condition of our public debt is healthy. About our external trade I have already spoken at some length. Its total monetary value in 1909-10 was roughly 350 crores (excluding Government transactions): in the current year it will touch 415 crores. Even if we discount the element of high prices, this represents a great advance in trade and industry: and as the balance is steadily in our favour, it means a strong exchange, good credit and a ready inflow of the capital which India so badly wants for the development of her magnificent resources.

"The mention of exchange brings me very close to currency. Our currency system has had a remarkable history—a history of which we may be pardonably proud—during the last three years. For a detailed examination of the present position, I cannot do better than refer Honourable Members, if they have not already studied it, to the admirable report on the operations of our Paper Currency Department by our present Comptroller General, Mr. Gillan, published in October last. It contains an able and illuminating analysis of the movements and tendencies of our currency, and exemplifies the new spirit with which I trust that these important developments may be watched and guided. Three years ago, when this Council considered their first budget, the position was unique. Our mints had stopped fresh coinage for over a year. The adverse balance of trade in 1908 had forced us to draw on our Gold Standard Reserve in defence of exchange; and against the gold thus released we had received and withdrawn from circulation in India the enormous quantity of 120 million rupees. Mainly through this cause our rupee reserves at the beginning of 1909-10 were enormously strong: between our currency chests and the silver branch of the Gold Standard Reserve we had alto-

gether 47 crores at our command ; and in the strength of that accumulation we have been meeting all demands upon us ever since. The absorption of rupees in the intervening three years has been about 32 crores ; and by whatever test the figures are tried, it is clear that the demand has been less active than in the earlier years of the century, when the resources of our mints were severely strained to meet the calls of trade for silver currency. This change in the habits of India, swift and momentous in its possibilities, has defeated the calculations of silver speculators. It has also absolved me from the necessity of undertaking fresh coinage, in spite of no inconsiderable pressure from interested quarters.

"To my mind it is a matter of no small satisfaction that the country is taking kindly to other forms of currency. We cannot look for rapid progress in the use of cheques and other banking substitutes for metallic money. But the extended employment of sovereigns and of currency notes will lighten our burdens materially and must lead to greater elasticity and economy. I am particularly hopeful that the sovereign will push its way into popular favour. During 1909-10 no less than £9 millions were imported : in the following year over £8 millions ; and up to December of the current year, a further £8½ millions. I do not attach too much importance to the spasmodic issues of gold for the movement of certain harvests in the more advanced areas. But I am convinced that these masses of imported sovereigns will not all disappear into hoards or the melting-pot ; and that, as the people become more familiar with them, their use as genuine currency will very largely extend. The habit will probably come with a rush, as other changes do in India.

"No better precedent could be found for the change than the remarkable growth of our paper currency. In March 1909 the volume of the note circulation was 45½ crores. In August 1911 it overtopped 60 crores, and it is now rarely under 55 crores. We can hardly doubt that this rapid development had a share in easing off the demand for rupees. Nor is there any question that it in turn owes its success to the bold policy of universalizing all notes from ₹100 downwards. The old circle system was devised as a precaution against the use of notes as remittances. Its abolition (except for very high value notes) has shown that what the people may remit freely, they will treat with all the more confidence as currency ; and we have the unquestioned authority of the Comptroller-General for saying that no inconvenience whatever has resulted from the extension of the universal notes.

"In all these ways our currency system has made notable progress in the last three years. We have fortunately been able to refrain from the fresh coinage of silver : we have seen an imposing volume of gold flow into this country by perfectly natural channels : and the people have taken with avidity to a paper currency from which a number of obsolete restraints have been removed. If the free circulation of gold is not so much nearer as some of us would wish, it is certainly no further off. And during these three years our gold reserves have been greatly strengthened and their functions have been more clearly defined. I am well aware how robust and general is the feeling in India that the Gold Standard Reserve should be raised to a still higher minimum, and I confess to a lingering hope that this may yet be found practicable. But the matter rests in the hands of the Secretary of State for India, who keeps and controls the reserve, and who has accepted a wide responsibility for making it effective.

"In the review which I have now given of the expenditure during the last three years, it will be seen how markedly the character of the allotment to certain services has changed.

"Hon'ble Members will, I think, look back with satisfaction on the steady increase which has taken place during the first period of the life of the reformed Council in the expenditure on Sanitation and Education.

"India owes a debt of gratitude to Mr. Gokhalé for pressing to the forefront the claims of Education.

"He has been fortunate in being able to do so during the Viceroyalty of one who has Education as much at heart as has Mr. Gokhalé himself.

"If I may be pardoned an indiscretion, I may mention that on the very first occasion when I discussed finance with His Excellency, very soon after he assumed his high office, he expressed a hope that the burdens on the people would not be increased. He added that his chief desire was, that the amelioration of sanitation and the wide and comprehensive diffusion of education should form the chief features of his Viceroyalty.

"It will be admitted, I hope, that I have endeavoured, by the provision of money, to second Mr. Gokhalé's efforts, to support the Honourable Member in charge of Education, and to give effect to His Excellency's heartfelt desire.

"The trend of expenditure is upward; but it is indeed a hopeful feature of the financial and political progress of this country that the growth of expenditure is occasioned, not by costly military operations, not by exaggerated railway expenditure, not by wasteful extravagance in administration; but by well-considered outlay on services which tend to the moral and material progress of the Indian people."

INDIAN STAMP (AMENDMENT) BILL.

The Hon'ble Sir James Meston moved that the Bill further to amend the Indian Stamp Act, 1899, be taken into consideration.

The motion was put and agreed to.

The Hon'ble Sir James Meston moved that the Bill, as amended, be passed.

The motion was put and agreed to.

CO-OPERATIVE SOCIETIES BILL.

The Hon'ble Sir Robert Carlyle: "My Lord, I beg to move that the report of the Select Committee on the Bill to amend the law relating to the Co-operative Credit Societies be taken into consideration. As I was unable to attend the meetings of the Select Committee, I have asked the Hon'ble Mr. MacLagan to explain briefly the principal changes proposed by the Select Committee."

The Hon'ble Mr. MacLagan: "My Lord, the changes made in the Bill are explained in the Select Committee's report. They are fairly numerous but they are mostly changes in subsidiary points and are of a technical character. I do not propose to go into them in detail now. There are, however, two points to which I would venture to draw attention in connection with the Bill.

"In the first place, the amendments since made do not involve any change in the main features of the Bill as introduced in this Council on the 1st March last year. As stated by the Hon'ble Sir Robert Carlyle in introducing the Bill, the main objects which it has in view are four. In the first place, it extends the Act to all kinds of Co-operative Associations. Secondly, it abolishes the statutory distinction between the rural and urban societies. Thirdly, it relaxes the restrictions previously imposed on the distribution of profits in unlimited societies. And, fourthly, it recognises unions of societies. These reforms in the law have received very cordial support in all quarters, and the changes which have been made in the Bill in Select Committee do not affect these primary considerations.

"The second point to which I would invite attention relates to certain changes which have been made in the scope of the Bill. When the present Act was introduced in 1904, it was explained that the Act had purposely been made simple and elastic. Legislation was restricted to as small a field as possible. The Act was a mere framework and to a large extent nothing more than an enabling Act. This was doubtless the right policy to follow, and it has been most successful in its results. It was a policy comparatively easy to carry out so long as the Act was concerned with Credit Societies only. The present Bill, however, will apply not only to Credit Societies but to Co-operative Associations for purposes of production, consumption, insurance of cattle, and so forth. When once the Act is extended to this class of society, there is always a risk that the special concessions granted by the Act to Co-operative Societies may, in the absence of proper precautions, be utilised by societies of a Joint Stock character for which they were never intended. Now to meet this difficulty we could have laid down a definition to which a society registered under the Act should conform. We could have prescribed certain rigid conditions to

which any society professing to be co-operative should comply. We have not done this. We felt that our experience was not yet sufficient and that it was too early in the history of the movement for us to lay down hard and fast definitions or requirements. At the same time we have not thought it advisable to dispense almost entirely, as the original Bill did, with an indication of the class of society for whom the Bill is intended. We have, therefore, without prescribing definite requirements, added to the Bill certain provisions which either indicate what we want or give Local Governments power to lay down their requirements. For instance, the Act of 1904 had a preamble to say that the Act was intended for agriculturists, artisans and persons of limited means. In the Bill as introduced the preamble, which has, I understand, no legal effect, was omitted, but in the Select Committee we decided that the preamble, in a somewhat modified form, should be restored, so that there should be an indication for what it was worth to the class of persons for whom the measure is intended. Then again we went out of our way to prescribe that a society which wants to be registered must be one which has for its object the promotion of the economic interests of its members in accordance with co-operative principles. What these principles are, we have not defined, and we should doubtless find it difficult to define them. Registrars, however, will doubtless, in the future as in the past, acquaint themselves with co-operative practice and principles as understood in other countries. Now there are two characteristics which are commonly accepted as imparting to a society the hall mark of true co-operation. One of these is that the number of members in a society should not be subjected to any artificial limitation. In other words, the societies should not be in a position to become close corporations. The other is that there should be a restriction on the dividends payable in societies with unlimited liability, so that the profits which should be employed in cheapening the services performed by the society may not be diverted for the benefit of shareholders. We have not laid down either of these conditions as a necessary qualification for a society registered under the Act, but we have given Local Governments power, if they so desire, to insist on these qualifications.

"So, too, as regards the dealings of a society with persons who are not members. Some people would hold that a society which deals for the benefit of persons who are not members is not strictly a Co-operative Society. It is quite true that it may be advisable to prohibit such dealings, but we have not done so in the Bill. In the present state of our experience it would probably be dangerous to lay down any general provisions of this character, but we have left it to the Local Governments to lay down such prohibitions and restrictions on this point as experience may lead them to adopt."

"What we have done in the Select Committee, therefore, is to guard against the misuse of the Act, not by laying down definitely (for that would practically be impossible) the difference between a co-operative and a non-co-operative association, but partly by giving indication of the objects we have in view and partly by conferring on Local Governments specific power to impose certain kinds of restrictions on societies.

"In this and other ways the Bill has certainly been much improved since it was introduced last year. It is intended to promote further a movement which has already made great strides in India and from which the most valuable results may be expected. The Bill now before us is not perhaps the last word which may be said in this Council on the subject, and, as our experience extends, we shall doubtless desire to improve upon it. But, as it stands, it may be regarded as a valuable and beneficent piece of legislation and one which I sincerely believe to be full of promise for the welfare of the country."

The Hon'ble Sir V. D. Thackersey : "My Lord, I beg to support this motion, and in doing so I must say that the present Bill is a great advance upon the Co-operative Credit Societies Act of 1904. My Lord, I firmly believe that in a country like India, the salvation of our agricultural population and of the poor artisan class lies in the application of co-operative principles to their daily life. Since the Act was passed in 1904, great progress has been made in the formation of Co-operative Societies all over the country. I believe that, had our agricultural population been more educated and not so ignorant,

the progress would have been still more rapid. I think, my Lord, that the present Bill satisfies all reasonable requirements of the case. While the scope of the Act has been expanded, there are sufficient safeguards provided for the prevention of abuses. The new Act when it becomes law will, instead of confining its operation to the credit principle only, also permit Co-operative Societies to deal with production and distribution much to the advantage of their members. This will be a very great help to all the members of Co-operative Societies.

"Again, this new Act legalises the grouping of several Co-operative Societies into unions, and this will greatly strengthen the credit of Co-operative Societies, and they will be able to secure money at a more reasonable rate of interest from the central money markets of the cities. I believe, my Lord, that this new Act, when passed, will be of great assistance to the progress of the Co-operative movement in India."

The Hon'ble Mr. Mudholkar : "My Lord, on behalf of those who have been interesting themselves in the advance of the agricultural and of the artisan communities, I wish to accord my support to the motion of the Hon'ble Sir Robert Carlyle. The principle of co-operation and the necessity of its application in India was recognised by the educated people in the country nearly a generation ago. That great man amongst us, the late Mr. Justice Ranade, drew the attention of the educated community to the necessity of applying this principle for raising the agricultural classes and the artisan classes. And it was by the illuminating ideas of what was true public benevolence contained in his addresses and the writings which he published, that the attention of the educated people of Western India was directed to this matter. That was, my Lord, nearly thirty years ago; long before the Act of 1904 was passed. In recent times, our Industrial Conferences have been devoting as much attention to the organization of real credit as to the organization of the credit of the artisan classes. The present Bill, as has been very aptly pointed out by the Hon'ble Mr. MacLagan, makes far greater advance in this direction than in the existing law. It is because measures like this are calculated to bring together the people of this country and the officers of Government into close contact in a work of utility and public benevolence, that we value it so greatly. I hope, my Lord, that this Bill will prove as great a success as its predecessor."

The Hon'ble Mr. Madge : "My Lord, while congratulating the Government and the Select Committee on the special Bill which vitalises the principle of self-help, I merely wish to call attention to a section in it. I have not proposed any amendments, because I have been led to hope that sub-clause (b) of section 6, page 2, will serve the object which the clause preceding would seem to prevent. Sub-clause (a) requires a member of a registered society to reside in the same town or village, or in the same group of villages, and the clause following gives the Registrar power to allow the members of the same tribe, class or occupation scattered over the country to join a single society. I understand that this clause was first introduced with the object of meeting the case of Indian tribes, classes, etc., but it may apply also to all members of the domiciled community who exist in small numbers in various places scattered over the country, and as applications had been made to one or two societies and it had been held, I hope not rightly, that members of a community like ours scattered all over India could not belong to a particular society limited to a particular place, I hope that the power given to the Registrar in sub-clause (b) of clause 1) of section 6 will enable the Registrar to allow members of the domiciled community in ones and twos in different places to join any society anywhere."

The Hon'ble Sir Robert Carlyle : "My Lord, I understand the clause to have the effect the Hon'ble Mr. Madge hopes it will have."

The motion was put and agreed to.

The Hon'ble Sir Robert Carlyle moved that the Bill, as amended, be passed.

The motion was put and agreed to.

INDIAN POST OFFICE (AMENDMENT) BILL.

The Hon'ble Mr. Clark moved that the Report of the Select Committee on the Bill to amend the Indian Post Office Act, 1898, be taken into consideration.

The motion was put and agreed to.

The Hon'ble Mr. Clark moved that the Bill, as amended, be passed.

The motion was put and agreed to.

WHITE PHOSPHORUS MATCHES PROHIBITION BILL.

The Hon'ble Mr. Clark moved that the Report of the Select Committee on the Bill to prohibit the manufacture, sale and importation of matches made with white phosphorus be taken into consideration.

The Hon'ble Sir V. D. Thackersey : "My Lord, I beg to move that the consideration of the Report of the Select Committee on the Bill to prohibit the importation, manufacture and sale of matches made with white phosphorus be postponed for one year from this day, and that in the meantime His Excellency the Governor General in Council be requested to make inquiries as to the correctness or otherwise of the statement that since 1906 there has been such improvement in the process of manufacture as to obviate the need for legislation, and similarly to make inquiries as to the extent of the hardship that the prohibition is likely to inflict on the poorer people of this country, particularly the agricultural classes. My Lord, four members of the Select Committee on this Bill have signed the Report subject to a minute of dissent, and my reasons for moving this amendment are given in the minute of dissent. The minute of dissent runs thus :—

'A period of close upon six years has elapsed since the Berne Convention was signed in 1906, and it is, we understand, contended that during this time great improvements have been made in the methods of manufacturing phosphorus matches, with the result that the risk of necrosis has been almost entirely eliminated. In the information that has been placed before the Select Committee, there is no evidence to show that this contention is incorrect, and we are therefore of opinion that the case for this proposed legislation has not been substantiated and that consequently the consideration of this Bill ought to be postponed for one year. We further consider that during that time His Excellency the Governor General in Council should be asked to make inquiries as to the correctness or otherwise of the statement that since 1906 there has been such improvement in the processes of manufacture as to obviate the need for legislation and that similarly inquiries should also be made as to the extent of the hardship that the prohibition is likely to inflict on the poorer people of this country, particularly the agricultural classes.'

"A long statement of objections, my Lord, was placed before this Council at Simla by my friend the Hon'ble Mr. Armstrong, who has a great knowledge of this subject, and he was then able to place before this Council details of the figures from England and Germany, and I have no doubt that when he speaks here to-day, he will give again more figures and further satisfy the Council as to the inadvisability of hurrying through this measure. The chief consideration which has induced me to move this amendment is not the question whether the importers of white phosphorus matches will suffer or not, but the question whether the prevention of the importation of these white phosphorus matches will entail any hardship on the poor classes of our people. We all know that the 'light-anywhere' matches, as the term has been used elsewhere, are very popular with the poorer classes, because, in the first place, from one box half a dozen or a dozen poor people can satisfy their wants, and in the second place they are not liable to get bad in wet weather. When we consider that most of our poorer population wear no other clothes than a little dhoti and sometimes less than that, and when we consider the kind of leaky houses in which they generally live and their occupations in outdoor work in the monsoon, we can easily realize their difficulties, and I think it would be a great pity that these people should be inconvenienced by any measure of this kind which is not absolutely justified by facts and figures. The safety matches

can only light on the boxes and many of the Members of this Council may have experienced in the monsoon that, in spite of our water-tight houses, we often find, after the first half-dozen matches are used, the boxes are no good for the lighting of the matches. How are these poor people expected to buy these empty match boxes for the balance of the matches to light on? Apart from this, the members of the Select Committee, or at least those who have signed the minute of dissent, tried to get as much information as possible from the Hon'ble Member in charge of the Bill, and beyond an assertion that all civilised countries in the West had adopted this method, and that at one time in 1906 all civilized countries were agreeable to the Convention of 1906, and that at that time it was proved that the manufacture of phosphorus matches was harmful to workers, we could not get any more or better explanation. But this is insufficient ground; and therefore it is not right that we should entail so much hardship on the poor classes of our people. The amendment that I have the honour to move in this Council does not delay the action any longer than is intended under the Bill itself. The Bill, as amended by the Select Committee, provides that certain sections should not come into operation till July 1913; so there are 15 months from now. Is it unreasonable for the Members of this Council to ask that within these 15 months—that is, before 12 months are over—the Government of India should make inquiries as to the correctness of the assertion whether necrosis had been eliminated or not, and as to the hardship that the poor classes would suffer by this Bill, and lay before Council that information. If we are satisfied, and if the Government of India are satisfied, that the improvement since 1906 do not justify any change of policy, and if the Government of India are satisfied that the poor class of people will not at all suffer by this legislation, by all means the whole of this Council will pass that measure unanimously. But why hurry up this measure, and even pass it by a majority when we have still got 15 months before this Act will come into operation? The principal reason given by the Hon'ble Member in charge of the Bill for taking such a long time for bringing it into operation was this, and rightly so,—that generally orders for matches have been, as a rule, placed long ahead of the time of delivery, and therefore it was fair to the merchants that they should give sufficient notice for discontinuing orders. Well, we have got this Bill, passed by the Select Committee, before the Council and before the country, and the merchants of the country have noticed that it is the intention of the Government of India to put this Bill into operation by July 1913: so we give them sufficient notice. So far as that argument is concerned, we meet the objections of the merchants: but we ask the Government of India to meet our objections and those of other Members and of the members of the public who feel that more facts and figures are necessary before justification can be made out for passing this measure.

"My Lord, therefore, I hope Government will consider this amendment in the spirit in which it is moved, and accept this. As I have already shown, there will not be any harm done either to the Berne Convention of 1906 or to the people who are ordering out matches. The Bill does not come into operation till July 1913."

The Hon'ble Mr. Armstrong: "My Lord, I am very glad that this amendment has been moved,—an amendment by the way which merely asks for further time for consideration,—and I shall support it because it seems to me that we are still at sixes and sevens over this Bill. When the measure was introduced in Simla, we were told that the object was to stamp out the disease of necrosis which was very prevalent among the workers. But since then inquiries have been made and it has been shown that, at any rate, in Sweden and in Norway, where these matches are made in Europe, the disease, since the signing of the Berne Convention in 1906, has almost disappeared, owing to a very much better class of machinery, better methods of ventilation, better supervision, and so forth. From figures that have been supplied to me of the Norwegian factories, I find that over a period of seven years ending last November the percentage of cases of necrosis was one-eighth per cent. of the total number of workers engaged in the factories, and very slightly under one-

fourth per cent. of those who were engaged in the particularly dangerous parts of the work. This, of course, is, as I have said, over a period of seven years. We were also told at Simla, that so far as this country is concerned, there was a great danger of the heads of these matches being used to poison people; but not a single instance was given us from any of the police reports for the past thirty or forty years, during which time these matches have been coming to India in very large quantities, to prove this statement. I do not think that there is any fear whatever of matches being used for this purpose, because I have been told on very good authority that in all probability it would require the heads of about 144 matches to effect this purpose. The heads would have to be very carefully detached from the sticks; they would then have to be ground up into a fine powder before they were mixed in the food, and the taste would then be so abominable that no one would swallow it; so I do not think there is the slightest fear of any one being poisoned by these matches. A third reason was that a case of necrosis had already occurred in this country. I must say I was astonished at this, and I was unable to deal with it at the time; but I think it is fully dealt with in the report of the Chief Commissioner of the Central Provinces, whose Secretary when reporting upon the Bill writes as follows:—

‘There are only two match factories in the Central Provinces. The one at Ellichpur in Berar is at present not working, but its manufacture will be confined in future to safety and pyrotechnic matches, and it will, therefore, presumably not be affected by the Bill. The Amrit Match Factory at Kota in the Bilaspur District, however, produces ‘the strike-anywhere’ match, which contains white phosphorus, and the proprietor has submitted a memorial, a copy of which is forwarded herewith for the Government of India’s consideration, protesting against the proposed legislation. In this memorial mention is made of one case of necrosis said to have been reported by the Civil Surgeon at Kota, but the memorialist appears to be under a misapprehension in this respect, for the Civil Surgeon has never known a case of this disease and so far as can be ascertained “phossy jaw” has never been met with in the Province. In those circumstances, a Bill with the object of eliminating absolutely the chance of necrosis appears to the Chief Commissioner to be in effect, so far at any rate as these Provinces are concerned, not so much an amelioration of existing conditions warranted by any practical necessity as a concession to humanitarian sentiment or possibly to trade interests. The concession in this case would, if the memorialist’s representations are correct, be at the expense of a local industry which supplies, and has for eleven years supplied, without detriment to the health of its employes, a variety of match undoubtedly far better suited to the requirements of the poorer classes, and much more widely in use among them, than the safety match.

‘The Chief Commissioner is unable to say how far the same consideration would apply to other parts of India, but he does not think that Government should go further than take legal power to restrict this kind of manufacture if and when it is shown to be prejudicial to the health of workmen in the conditions obtaining in match factories in this country.’

“I think this opinion of the Chief Commissioner on this question is of very great value. But, my Lord, notwithstanding all this, we are still asked to pass this Bill. So far as I can remember, all the arguments that were brought forward in Simla have now been disposed of. No doubt fresh arguments will be brought forward to-day, and, if so, then this amendment, if accepted by Government, will give us time for further consideration. No one in this country has asked for this Bill; no one wants it; and nearly everyone who has given consideration to this matter has reported against it. The Chambers of Commerce are against it because they see no necessity for it. I do not think the Chambers of Commerce are by any means unreasonable bodies. They are always very willing and very glad to support Government when the necessity has been shown; but in this case they consider that the case has not been proved.

“Now, no doubt we shall be told later on that there are other ‘strike-anywhere’ matches which could very well take the place of those that we are now asked to prohibit. Whether this is so or not I am unable, at the moment, to say, and if this statement is put forward it is another reason why the amendment should be agreed to, so that the point can be inquired into. But it is not so much a question whether a strike-anywhere match can be found to take the place of these we are now prohibiting, but whether these new matches will stand the damp of the Indian climate, the extreme damp of the monsoon in

a great many parts of India. As the Hon'ble Sir Vithaldas Thackersey has told us, this is just exactly where the safety matches fail, and I think we, every one of us, know it from experience: and if these new matches will also fail in this respect, then I say there will be very great inconvenience to millions of worker in this country. The Royal Inspector of Factories in Norway has reported on this point as follows:—

'That so far as I know, it has not as yet been possible to produce an article without phosphorus that can replace the phosphorus matches, where such matches, considering the climate and other circumstances, cannot easily be dispensed with.'

"Well, now, as regards local factories, I said in Simla that they could, I thought, be very easily controlled. Matches cannot be made in out-of-the-way places, and as I then pointed out every factory must be known, and it would be very easy to lay down regulations that a certain class of machinery must be used, that there must be proper and efficient methods of ventilation, that there must be supervision and inspection. I think there will be no difficulty in laying this down, and it would, I think, be infinitely better than the course it is now proposed we should take, that is, to limit absolutely the manufacture and the importation of such matches into India, these matches being, as I have said, cheap, suitable and in every way very desirable. A delay of a year seems to me, therefore, necessary for further inquiry and for further consideration, and, if we are told of other matches which could take the place of these, for a thorough test of those matches during the monsoon months. I cannot see that this delay would do harm to any one, certainly not in this country, nor, so far as I can see, to any one either in the country of manufacture. I think it will be a very great mistake if this is not accepted by Government. It will give an impression among the commercial community that under a certain set of circumstances the commercial interests of this country are apt to be put aside and not properly considered, and as a few years ago we formed a special Department of Industry and Commerce to look after, develop and take care of our trade, I think it would be a very great pity if an impression of this kind were to get abroad."

The Hon'ble Mr. Dadabhoi: "My Lord, I wish to associate myself entirely with the observations that have fallen from my Hon'ble Colleagues Sir Vithaldas Thackersey and Mr. Armstrong. I submit that there is one recognised line of legislation, and that is, we should not legislate in advance of the times. At present, as has been completely shown, no case or exigency has been made out for legislation of this nature. In my humble opinion this Act is entirely unnecessary and superfluous; at any rate, at the present time. The amendment suggested is of a most reasonable character. I do not see what great hurry there is for passing this Act, and I think the Hon'ble Member in charge of the Bill will see his way to accede to this amendment. We shall only be putting off the consideration of this Bill for a further period of twelve months, and during that period fresh evidence might be collected. Eventually, if no conclusive evidence is forthcoming, the legislation may be dropped; on the other hand, if there are then any very serious grounds for proceeding with it, the Act in its present form may be passed. I do not think that Government will be at all inconvenienced by putting off this legislation for another twelve months, or that public interests will in any way suffer for the delay. I have great pleasure therefore in supporting this amendment, and I do hope the Hon'ble Member in charge will see his way to accept it."

The Hon'ble Sir Cecil Graham: "My Lord, I wish to associate myself with the Hon'ble Member who has just spoken. If any sufficient evidence had been put before us that there was any real danger of necrosis in India at the present moment, or that necrosis was really dangerous under present conditions of manufacture in Europe, I would vote that this Bill should be passed at once; but as no such evidence was forthcoming, I signed the minute of dissent, so that we might be given a year in which inquiries might be made, and that some more evidence one way or the other should be forthcoming. There seems to be throughout India a considerable amount of opinion against the Bill or its necessity, and I think that that opinion should be listened to in this respect, and that this amendment should be adopted. On the

evidence before us the only possible advantage in the Bill at the present moment that I can see is that it may to some extent benefit British manufacturers against foreign ones on the Continent ; otherwise I am convinced, as it stands, I can see no advantage in the Bill whatsoever."

The Hon'ble Mr. Mudholkar : " My Lord, as one of those who thought it necessary to take the attitude which has been taken about to-day's Bill in the Select Committee, I wish to associate myself with the amendment which has been moved by Sir Vitthaladas Thackersey. My Lord, the difficulty which we felt in the Select Committee, a difficulty which has not been removed till now, is the utter want of information on this subject. We wished to ascertain from the Hon'ble Member in charge of the Commerce and Industry Department as to what necessity had been made out for this legislation. We quite conceded that on grounds of humanity it was necessary to take steps for protecting people against diseases of serious character, if there was any real danger ; but when we found that the paper before us gave no evidence as to the existence of this disease of necrosis in India, and when we found men who presumed to know what they wrote about had been saying that the recent improvements which have been made in the machinery used in the manufacture of phosphorus matches eliminated all chances of necrosis, it was a matter which certainly deserved further consideration and more information. The alleged case in the Central Provinces had been disposed of by the letter of the Local Government, and we know of no other case in India. On the other hand, it was pointed out both by Local Governments, by persons engaged in the trade, by merchants and manufacturers, that the people who used these matches would be put to serious inconvenience if manufacture or importation of this kind of matches is prohibited. My Lord, there is no case made out for hurried legislation, and I would therefore join with the requests that have been made that the consideration of this measure be deferred till 1913."

The Hon'ble Mr. Hague : " My Lord, I beg to support the amendment which has been proposed by my Hon'ble friend Sir Vitthaladas Thackersey. I support it on two grounds—first that no necessity has been made out for such legislation—in the language of lawyers 'the case has not been proved ;' secondly, there is no doubt that if the Bill be passed it would entail great hardship on the poor."

" My Lord, if I were assured that there was any necessity for this Bill, I would have been the first man to support it. In my humble opinion it is one of those measures on which Government should not assume a rigid attitude ; they should adopt the policy of give and take. Here I find most of the non-official Members, Europeans and Indians alike, are unanimous in thinking that the consideration of this measure be deferred for the next twelve months, and this should be done. With these few remarks I support the amendment."

The Hon'ble Mr. Bhurgri : " My Lord, I rise to support the amendment of my Hon'ble friend on my right (Sir Vitthaladas Thackersey). Being a zamindar myself, I can testify that this is the only sort of light used by the raiyats in the mufassal for obvious reasons. My Lord, had a case been made out by the Hon'ble Member in charge of the Bill that the interests of the public health demanded such a measure, it would then have been time for the Council to consider the measure and pass it if necessary. But, my Lord, I ask this Council whether such a case has been made out. I submit, not. On the contrary, my Lord, it has been rightly brought out that it would cause a great deal of inconvenience and annoyance to the great mass of agriculturists in the mufassal who only use this sort of 'strike-anywhere' match, as it has been called by my Hon'ble friend Sir Cecil Graham. Under these circumstances, my Lord, I think the amendment of my Hon'ble friend is a reasonable one, and I hope Government will see their way to accept it."

The Hon'ble Maharajadhiraja Bahadur of Burdwan : " My Lord, I beg to support my friend, the Hon'ble Sir Vitthaladas Thackersey, and I think there is no necessity to rush through this small Bill."

The Hon'ble Mr. Sachchidananda Sinha: "My Lord I desire to associate myself with the Hon'ble Sir Vithaldas Thackersey in supporting this amendment."

The Hon'ble Mr. Clark: "My Lord, the complaint of the Hon'ble Members who have supported this amendment has been that Government has withheld information which ought to have been laid before Council, and that in fact they have not substantiated their case for legislation at all. I deny those charges altogether. When this Bill was introduced in Simla I gave our reasons for thinking that the time had come for legislation of the kind in India. The Hon'ble Mr. Armstrong raised certain objections and I answered them then and there. When the next stage of the Bill was reached, the stage in which we moved for the Bill to be referred to a Committee, when the principles of the Bill could have been discussed, nobody thought it worth while to offer any opposition or comment at all and the proposal was accepted without debate. Then in the Committee, Sir Vithaldas Thackersey and others wanted to discuss the principles of the Bill instead of its provisions. Well, it was not the fault of the Government if they omitted to oppose the Bill on the motion to go into Committee and it was not the fault of the Government that my Hon'ble Colleague the Law Member, following the universal practice of business in Committee, had to rule that a discussion of principles in Committee would be out of order. Government have no wish whatever to shirk discussion on the matter. The result of all this is that we have come to the final stages of the Bill without any serious attack having been made upon it in circumstances which would have given any opportunity for Government to reply, and personally I am very glad that the question has been raised to-day in order that we can see where we stand.

"The objections to the present motion as stated in the minute of dissent and in the speeches of the Hon'ble Sir Vithaldas Thackersey and the other Hon'ble Members fall under two heads, the first of which is that the native of India, especially in the agricultural classes, cannot get on without white phosphorus matches; and secondly, that in Western countries where they are manufactured, the improvements in the methods of manufacture are so great that there is practically no further risk of necrosis; that you need not therefore stop importation, and that employing the same methods here, you need not stop manufacture. As to the agricultural labourer, I dealt with that part of the case in Simla; the Hon'ble Mr. Armstrong raised the point and I answered it. We have, to start with, the case of Burma. In Burma the use of these matches has been prohibited for more than 20 years: for 20 years they have done without them, and there has been no serious inconvenience of any kind. I made special inquiries about it to satisfy myself that this is so. What is possible in Burma, is surely also possible in other parts of India. The real fact of the matter is that those who have accused Government of bringing in this Bill on inadequate information, have not taken much trouble to ensure the accuracy of their own statements. The Bengal Chamber of Commerce in writing to the Local Government on the subject of the Bill said that it is a hardship on the raiyat of Bengal to buy safety matches because they cost more and because they are less suited to his needs. Yet, at the present moment, common safeties are imported into Calcutta at lower prices than white phosphorus matches, and mufassal labourers in the Province take a view of their own needs so different from that of the Bengal Chamber that they have practically given up the use of white phosphorus matches. If Hon'ble Members will look at the correspondence which has been circulated with this Bill, they will find a letter from the Chief Inspector of Factories in which he says—'I have frequently purchased matches in many districts in Bengal, but cannot call to mind within recent years having seen any consignment of the white phosphorus match that was so well known everywhere 20 years ago; and he goes on to refer to the safety match as almost universal in Bengal and as procurable in every village. Well, even Chief Inspectors are not infallible, and I have checked that statement by the Customs returns, which show that a little over five per cent. of the total amount of matches brought into Calcutta are manufactured with white phosphorus and that nearly 95 per cent. are safety matches.

"Now I come to the case which the Hon'ble Sir Vithaldas Thackersey has mentioned regarding the habits of the agricultural labourer in Bombay. He said that a certain number of them buy a box of matches, divide the matches among themselves, and go out for the day; whereas if they have to use safety matches, each man will also have to carry a box. I hope Hon'ble Members will not think me very unsympathetic if I say that I find it very difficult to take this argument seriously as a reason against an industrial reform. Just let us consider what it means. We have, say, seven labourers going out to work with a box of matches which holds something like three dozen matches allowing them a daily consumption of some five matches each. At the present moment, they buy one box, divide it among themselves and go off to their work. When this Act is passed, what they will have to do is that each of these seven men will have to buy a box of matches once a week. Hon'ble Members can hardly think that a serious grievance or likely to cause great discontent and unhappiness among the lower classes. It is not as if India was the only country where this legislation is contemplated or has been brought into effect. It has already been carried into effect in other countries where similar climatic conditions exist, such as the Dutch East Indies, several French Colonies, and British Colonies, such as Mauritius, the Seychelles, the Gold Coast, Sierra Leone, and Southern and Northern Nigeria; and really, it is hardly conceivable that prohibition should have been effected in all these tropical countries if it involved, as has been alleged, so much discomfort and inconvenience in the rainy season.

"I now come to the argument that the manufacture of matches with white phosphorus has been made so safe that there is no real necessity—or at any rate no proved necessity—for a Bill of this kind. It is said that in the best factories in Sweden, for instance, practically all the risks attendant on manufacture have been obviated; and I have myself discussed the question here with a member of a firm interested in a large Swedish factory who informed me that they have had no cases of necrosis in their factory in recent years.

"I shall return later to the experience of Western countries and the lessons to be drawn from it, but in the first place it must be remembered that we are legislating here not for Sweden or for any other Western country but for India. A great number of Western factories are now using automatic machinery for dipping the matches; ventilating fans of great power are used, and the matches are even packed by machinery; but at the same time all sorts of sanitary precautions for their workmen are also necessary. I do not think anybody who knows the Indian operative will imagine that he will take kindly to sanitary arrangements of that kind. We cannot deal with him in the same way as we can with the European operative, who although he does not like restrictions, is wise enough to know that he has got to put up with them, as the risk is so great. Another good reason why we should take this legislation now is that it is the most suitable moment for the purpose. We do not want to wait until a great industry has grown up with vested interests and the change would involve a great deal of difficulty and loss. There are some half a dozen factories only in India, and one of these has given up the manufacture of white phosphorus matches and has taken to safety matches only. A case of necrosis has already occurred. The Hon'ble Mr. Armstrong has told us that that case did not really exist. I am quite aware that the Central Provinces Government in their letter on the subject of this Bill stated that the case was not a real one. But for once in a way, although I say it with diffidence in the presence of my Hon'ble Colleague Sir Reginald Craddock, the admirable Administration of that Province would appear to have been caught tripping. I will put the facts before Council. The manager of the factory at Kota in the Bilaspur District in his memorial against this Bill said very straightforwardly that he had had a case in his factory. The Secretary of the Central Provinces Administration, in forwarding the memorandum, said that there could not have been a case in the factory because the Civil Surgeon did not know about it. I should like to point out to Council that it is in the highest degree improbable that the manager would go out of his way to invent a case, while it was so particularly to his interest to prove that none had occurred. But what

makes me more certain of the Central Provinces Administration being wrong in this matter, is that the case of necrosis was actually reported in their own official Administration Report two years ago. I would submit to Council that we ought to attach more importance to the contemporary record of 1909 than to this somewhat tardy after-thought.

"After all, whether one case or more have occurred in India does not greatly affect the question. We have the experience of Europe behind us, and we know that, if the industry is permitted to go on in India, sooner or later, cases of the disease will develop and multiply. Even in England in the early days of the campaign against this disease it was difficult to get evidence owing to the men affected leaving the factories, and in India with its relatively nomadic factory labour, it is much more difficult. Even now with fuller knowledge the diagnosis is not easy. I have been through the recent Swedish reports, and I notice that even now in Sweden there is a good deal of argument whether certain cases which occur in the factories are true cases of phosphorus poisoning or only cases of periostitis. I submit, Sir, that there is no reason why we should wait for more cases to appear, as they most surely will; or why we should wait for vested interests to grow up, instead of putting an end now to a dangerous industry when it can be done with the minimum of loss.

"I now turn, my Lord, to the argument that in Western countries regulation has proved an entire success. The Hon'ble Sir Cecil Graham has said that if we could show that there was still danger of contagion in Western countries he would freely vote for this Bill, and I think I can show him good cause for doing so. The whole of the evidence shows that other countries do attach serious importance to this danger. This is the history of the countries which joined the Convention of 1906. The United Kingdom joined the Convention as lately as 1908 and Austria in 1909. Both countries had previously tried regulation instead of prohibition, Austria especially, a great match-making country, where the vested interests were naturally strong, holding out as long as she could against the Convention; but both countries had to admit that regulation had proved a failure. Of the other European nations, prohibition is now in force in Germany, France, Spain, Italy, Denmark, Switzerland and the Netherlands; in Russia there is a special differential taxation of white phosphorus matches; in some other of the smaller countries, match-making is a State monopoly and is therefore under control; and in Sweden itself, where the manufacture of poisonous matches is permitted, their importation and consumption is prohibited. I am aware that the United States can be cited on the other side. Any one who has any acquaintance with manufacturing conditions in the United States knows that, in questions affecting labour, the conscience of the American people is only now being aroused; but it is beginning to be stirred in this matter. There has certainly been cause. A recent report of the International Association for labour legislation in which some figures are quoted about the extent of the disease in the United States, speaks of 15 cases of phosphorus necrosis being discovered by Federal Officials in an investigation covering 15 out of the 16 American match factories; and of subsequent personal inquiries in the homes of the labourers conducted by Secretary of the American Section, showing that for four of these factories alone this number should have been increased to 80. I have here too a letter which I have recently received from America through the International Association which comes in very appositely to this controversy. With your permission, my Lord, I will read an extract:—

"We are continually securing new data concerning industrial phosphorus poisoning and two deaths have recently been reported from two of the best ventilated and most sanitary modern match factories in this country—and that means the best in the world. The largest factory of the Diamond Match Company, at Barberton, Ohio, is probably the best ventilated factory of the kind. The air is washed and purified before it is warmed and forced into the work rooms, which are spacious, light and clean. The most up-to-date, automatic continuous process machinery is in use—in fact the most improved, automatic machinery has been invented in this establishment. The Company employs a dentist on an annual salary to look after the teeth of the employes, and employs a physician for medical examination. It maintains a welfare department with a splendid matron in charge; the lavatory facilities are excellent. In spite of these extraordinary precautions, this factory had a horrible death from "phossy-jaw" on July 15th, 1911, and another victim who entered the hospital a year and a half ago has recently had her lower jaw cut out. Other victims are under treatment. The best match factory in New York State had a death from "phossy-jaw" on September 30th, 1911, and we are making vigorous efforts to secure prohibition of the poison by Act of Congress. Our Bill

comes up for hearing on January 10th, and we believe it will be passed at the present session of Congress.

"So strong has the movement become that in his annual message to Congress delivered in December 1910, Mr. Taft recommended the imposition of a heavy Federal tax on white phosphorus matches as a method, to use his own words 'of stamping out a serious abuse.' This proposal was not adopted, but it seems probable that action of some kind will soon be taken.

"The United States, therefore, is not a fortunate example for those who hold that this legislation is unnecessary. Even Sweden, where regulation is probably more effective than in any other country, is not immune from the disease. The inspection reports for 1902 to 1910 show that in spite of all the precautions which have been taken, 16 cases have occurred in the 9 years under review.

"One other point I have to deal with. It must be remembered that these matches, which are manufactured at such risks to the operatives, contain when issued to the public a violent and dangerous poison. The Hon'ble Mr. Armstrong traversed that statement. I should like to refer him to a recent issue of the United States Census Bureau which specifies 31 deaths from phosphorus poisoning, in 23 of which matches were definitely given as the causes of the poisoning, 12 of the cases being of children under 15 years of age. These dangers are no less real in a country like India.

"My Lord, I have said enough to show that our case rests on very strong grounds. We have not come here to propose legislation without having satisfied ourselves that there is a very good reason for it. We consider that we have ample grounds for going on with the Bill as it stands: but at the same time, I admit that the suggestion put forward by the Hon'ble Sir Vithaldas Thackersey is a very reasonable one. He points out that the Bill is not to come into force in any case until the 1st of July 1913, and section 6, which prohibits the sale of white phosphorus matches, until the 1st July 1914. I agree with him that so long as the Bill does come into force on those dates, it cannot matter whether it is passed this cold weather or next cold weather. The only objection I see to this proposal is this. The reason why we have given such an unusually long interval between the Bill being passed into law and coming into operation is to allow a fair opportunity for the clearing off of the existing stock of matches without undue hardship to the traders. It is clearly necessary to make a proper allowance for that. But if we were to agree now to postpone the passage of the Bill for a year as the Hon'ble Member asks, we could not permit the case of the people who hold large stocks to be brought up again with the request that the date of operation of the Bill should also be postponed for a year. We are allowing more than two years now for the clearing off of the existing stocks. We could not, if we postponed the Bill, allow traders to fill up their stocks again, and to claim another two years from the time when the Bill is eventually passed into law. I will make an offer to the Hon'ble Member. If it is clearly understood that the Bill shall come into force at the dates now proposed, namely, 1st July 1913 and 1st July 1914 (for section 6), I have no objection to ask His Excellency's permission to withdraw it now and to take it up again next cold weather. We are not afraid of our case being impaired by any information that Hon'ble Members may collect in the interval. They want to have the opportunity of further investigating the matter, and we are very glad to give it to them. But I repeat, it must be clearly understood that the argument in regard to stocks cannot be brought forward again next cold weather, nor, if the Bill is passed into law, can its operation be postponed. If the Hon'ble Member will accept this condition and withdraw his amendment, I will ask for permission to withdraw the Bill now and bring it up next cold weather."

The Hon'ble Sir Vithaldas D. Thackersey : "My Lord, I have not the slightest objection to agree to the condition laid down by the Hon'ble Member in charge of this Bill, that if within the next twelve months satisfactory proofs are brought forward and the Bill passes this Council next cold weather, the provision of the Bill (that is, sub-section (3) of section 1) should stand as it is, and that the Bill should come into operation on the 1st July 1914. As Government has thought fit to accept my amendment I will not take up the time of this Council by going over the explanations given by the Hon'ble Member in charge of the Bill. I am perfectly

sure that, so far as the Bill at present is concerned, I am absolutely unable to say that I am satisfied with the explanation that has been given. Let us, however, hope that satisfactory proofs will be brought forward next year when the Bill comes before the Council; and if it is really the case that such diseases occur in the production of these matches, I will be the first person to support the passing of this Bill.

The Hon'ble Mr. Clark: "My Lord, I understand that the Hon'ble Sir Vithaldas Thackersey will withdraw his amendment, if I withdraw the Bill."

The Hon'ble Sir Vithaldas Thackersey: "I will withdraw my amendment."

The Hon'ble Mr. Clark: "I will ask His Excellency's permission to withdraw the Bill."

His Excellency the President: "The Bill is withdrawn."

RAILWAYS.

The Hon'ble Sir Vithaldas D. Thackersey moved the following Resolution:

That this Council recommends to the Governor General in Council that a Committee, composed of officials and non-officials, be appointed to inquire into:—

- (1) the policy followed at present in fixing goods tariffs and its effects on the development of Indian Industries and on inter-provincial trade;
- (2) the extent, if any, to which the principle of non-interference with vested interests is recognised in dealing with proposals for the construction of new lines with special reference to its effects, if any, on the opening up of outlying tracts and the creation of monopolies in favour of existing lines; and
- (3) the desirability of associating members of the Commercial Community with the deliberations of the Railway Board either by nomination to it of one or two additional members from among them, or by constituting an Advisory Committee of representatives elected from the different important centres.

He said: "My Lord, this Resolution that I have the honour to move in this Council is of very great importance from the point of view of the industrial development of the country which every one of us has so much at heart. Railways as the great distributing agents of commodities are an important factor in the growth of industries in every country, and it is a question of vital interest whether they are proving themselves of maximum use in this direction. I should like to state at the outset that in bringing this Resolution before the Council I do not intend the slightest reflection on those who are responsible for their present management. Our Railways are managed, save with few exceptions, on the most up-to-date commercial principles with a view to give the largest returns to their share-holders and to Government who own the largest share of the capital invested in them. This is as it should be, and my object in bringing forward this Resolution is to show that certain important considerations are lost sight of in the way in which this perfectly legitimate anxiety to earn the highest dividends is allowed to dominate the present policy in regard to freights and construction of new lines. The first part of my Resolution deals with certain features of the present goods tariffs and their effects on the development of Indian industries and on inter-provincial trade.

"In framing tariffs the main consideration with the Railway Companies is naturally to make the maximum profit out of the working of their lines. If lower rates are allowed for the carriage of some classes of goods than on others, it is only from the expectation of a greater volume of traffic and of earning ultimately more profits. Such questions as the development of local industries all over the country hardly enter into their calculations except in so far as the development may be considered by the Railway Companies as a source of greater traffic for themselves. But these, my Lord, are questions of great importance to the people of this country, and my object in moving this Resolution is to enlist the support of this Council to my plea that greater consideration must be

allowed to them, than at present, in the policy followed by the Railways. We are entitled to ask that this should be done, as India has the inestimable advantage, denied to other countries, of owning most of her Railways. Thanks to the foresight of the originators of our Railway policy, it has been from the first carefully provided that Indian Railways should eventually be the property of the State, and, at the present moment, all the great trunk lines are owned by the State. We should, therefore, be largely immune from the difficulties which are loudly complained of in countries where Railways are owned by private Companies; but, so far as the development of internal trade and industries is concerned, I am afraid this is not the case. Although the Companies which manage many of the State lines hold only from 5 to 15 per cent. of the capital invested in them, yet they practically control the policy in regard to freights to the detriment of the development of local industries, the encouragement of which has been recognised to be the only complete remedy against the disastrous famines to which the Indian people are so frequently exposed. The management of Railways by private Companies was adopted as it was rightly felt that it would be more efficient and economical than State management; but we should be very careful that this does not deprive us of the advantages of having a national system of Railways, by its disregard of every consideration except that of earning high dividends. In particular, my Lord, I think that the Railways have a duty towards the internal development of the country. Where this duty is disregarded, it is incumbent on Government to use every means in their power to set things right. I will give the Council some concrete instances of such a subordination of interests of indigenous industries to the earning of dividends. My first instance is, the traffic in matches. As a general rule matches from Calcutta, Karachi, Bombay and Madras are quoted specially low rates, while match factories in the interior have to pay a higher rate.

"From the Railway point of view it can be truly said that the traffic from ports being heavy, consisting of wagon loads for long distances, it is cheaper to carry than the small quantities of locally made supply from wayside stations where they cannot get a large enough traffic to employ more than a few wagons. My Lord, there is another point of view to consider. In the present development of the country, we can hardly expect to have large factories throughout India turning out wagon loads of matches. It is not right that the small pioneer factories should be placed at a serious disadvantage in competition with foreign matches, and that too in Railways which are owned by the State, that is, by the nation. Even if it entailed some little sacrifice, the same low rates ought to be quoted for local industries if they are not to be crushed by foreign competition. A policy which recognised a duty to promote indigenous enterprise, will not affect the total revenue of the Railway. Even if there is a small loss in such traffic, it will be only for a short time as the development of such industries is sure to provide the Railway in the long run with large traffic and profits.

"At present the North-Western Railway charges its fifth class rates for Ahmedabad matches while it charges a special mileage rate from Karachi port. The East Indian Railway charges the fifth class rate with a minimum of 20 maunds on Ahmedabad matches for all the stations on its line except *via* Agra, where it charges its fourth class tariff with a minimum of one maund; but this concession for Ahmedabad factories cannot be utilised as it is impossible to approach every station *via* Agra. If these special rates are charged from all junctions and the minimum quantity is done away with, factories in Ahmedabad and such other places can despatch separate small consignments all over the country. So far as railways are concerned, the consignments may be smaller, but along with other goods from that station they can always fill up their wagons. It would certainly entail extra work for passing receipts and giving deliveries, but is it too much to expect the State to help even to this small extent in the development of infant industries?

"I will give another instance. Glass factories in India are placed at much disadvantage by specially favourable rates for imported glassware. For example,

the class of glass chimneys—a cheap article fetching not more than Rs. 14 per maund on the basis of the weight of glass—are rated fourth class in the general goods classification, that is, the freight is $\frac{1}{4}$ of a pie per maund per mile. The rates from Amballa to Allahabad on this basis will be Rs. 2-4-5 per maund for 513 miles; whereas the Railway freight on glassware, which includes chimneys and other high-priced articles from Howrah to Allahabad, 514 miles, for imported glassware is only Rs. 1-9-8 per maund. Thus an Indian industry is penalised by the favour shown to foreign goods. Here again the quantity from port may be bigger and that from local factories may be smaller; but a State-owned Railway should try to strengthen the position of the home industry in competition with foreign ones. Here again a slight sacrifice will not make much difference to the revenue, but the industry would be immensely benefited. The same arguments hold in the case of our sugar manufactures. Imported sugar from ports get special quotations, while no such concession is granted to the product of our up-country factories. I need not trouble the Council with more instances as I am sure the President of the Railway Board, who is present here, will admit the fact, that specially low rates are quoted, whatever may be the justification the Railway Companies may urge in support of their action. Inter-provincial trade also suffers owing to the so-called block rates quoted by practically all Railways in order to draw all available traffic to their own line and to prevent as far as possible traffic from their own stations to go on other Companies' lines. This again from the Railway Company's point of view is perfectly justifiable, as no Company can be expected to tolerate the transfer of its own traffic to other lines if it can possibly prevent it. But from the country's point of view, it is clearly not advantageous that merchants should be compelled to send their goods not by the route which gives them readiest access to the best market—whether it be Calcutta, Bombay, Karachi or Madras—but by a route which brings the most profit to the Railway which happens to pass through the particular places. And again, why should the people of such places be hard hit because their geographical position may happen to be between two competing lines? These hardships are unavoidable in countries where Railways are owned by private Companies, but why should they be tolerated in India where the Railways belong to the State? I think a scheme ought to be devised under which the interests of the people may not suffer in the competition between rival Companies.

“In fixing tariffs Railways provide for a reduction of rates as the distance increases. As a matter of general principle, this cannot be objected to. But there can be no justification whatever for carrying goods over a longer distance at actually less cost than over shorter distances. This is done purely as a matter of competition. Many examples of this kind can be quoted. Of course, the low rates charged to places like Delhi are due to competition amongst various lines to appropriate the traffic to themselves. But either the rates charged are fair or they entail loss to the Railways concerned. If the latter, why should all the three Railway lines owned by the State be allowed to cut each other's throat at the sacrifice of our revenue? If the former, then surely it is unjust that people at Lahore should be asked to pay 30 per cent. more for carrying their goods over a distance of 757 miles than Delhi sending its goods over 908 miles. The cotton-mills of Delhi suffer in the same way by specially low rates from stations on the North-Western Railway to Karachi while higher rates are charged to Delhi. We can multiply many instances of this kind. But I will not take up the time of this Council, as I am sure the Chairman of the Railway Board will not deny the fact that such anomalies occur though he may not hold that they are anomalous. These are instances where particular industries and localities are placed at a disadvantage; but there is a more serious case in the Bombay Presidency where the trade of the city of Broach—a rising port—is being actually killed by the adoption of a similar policy. In the old days Broach was a very prosperous port, but since the construction of the Bombay, Baroda and Central India Railway to Bombay it suffered a great loss of traffic, mainly because the sea-route had not been properly developed. In these days of quick traffic no one cares to utilise the old, slow, sailing boats, but since 1909 an up-to-date steamship line has been organised for the port of Broach. Now Broach is 204 miles distant from Bombay,

and the sea-route, every one knows, is always cheaper than Railways. It was natural, therefore, that the merchants of Broach should avail themselves of the sea-route, and some traffic came that way to Bombay. Of course, this was a loss to the Bombay, Baroda and Central India Railway, though it was a gain to the Broach merchants and traders of the places north of Broach. If that Railway had cut down its rates in order to meet the competition of the steamship line, the trade would have been benefited and no one would have had a right to complain. But the Bombay, Baroda and Central India Railway did something very different. Instead of reducing its rates so as to divert traffic from the steamship line, it raised its rates in several cases for traffic northward, in some cases by so much as 200 per cent. How all the rates were manipulated has been clearly described in a petition presented to the Collector by the citizens of Broach consisting of merchants, ship-owners, mill-owners, tradesmen, etc., in December 1910. I understand that the Government of Bombay have forwarded this petition to the Government of India strongly supporting the contention of the people. His Excellency the Governor of Bombay, Sir George Clarke, than whom it is difficult to find a statesman with a keener sense of duty in protecting the legitimate rights of the people, referring to this complaint, remarked :—' Railways are made for India and not India for Railways.'

" I do not find fault with the management of the Bombay, Baroda and Central India Railway, because it is doing what any private individual would do to make as much profit as possible. An individual does not care if in order that he might make one rupee, several others have to lose several rupees, provided he is honestly earning his one rupee. But here again I am asking the State which owns this Railway—is the State justified in killing the port of Broach for its own revenue ?

" The Bombay, Baroda and Central India Railway is one of our best managed lines. It employs a large number of Indians in the higher posts and has endeavoured to its utmost to meet the convenience of the travelling public. But in this case, while the Railway is right from the point of view of the interest of the shareholders, the people of Broach have a justifiable claim to fair treatment from the hands of Government. A redress of this grievance of the people of Broach and the traders of the places north of it, is urgently needed. If Government cannot over-rule the Railway under the existing agreement, they should adopt some other means, such as compensating the shareholders of the Railway Company for the loss that they may suffer by giving up this penal rate north of Broach. But the State ought not to allow the Railway owned by itself to ruin the material interests of the public of Broach.

" It has been said that the traffic affected is not the legitimate traffic of Broach, because before the sea-route was developed the traffic went by the Railway. We may as well argue that the traffic is not legitimate, because if no 'sea' existed, Broach would never have been a port. The fact remains that Broach is a port and that the sea traffic is developed. Who is to decide whether the traffic is legitimate or illegitimate ? Are the owners of the Railway who are interested in its profits to decide, or are the traders whose business is ruined ? Keep both routes open on fair terms and let the traders choose that which is most convenient to them. My Lord, further there is a serious grievance of the commercial communities against the form of 'the owner's risk notes' and against the way in which extraordinary high rates (in some cases 120 per cent. higher) are charged for the carriage of goods at railway risk. Under this policy it often becomes absolutely impossible for the owner to send his goods at railway risk, and thus Railway Companies get absolved altogether from the liability on the carriage of such goods. On principle this policy of differentiating the rates cannot be objected to, but care must be taken that the Railway Companies do not charge more than what may be reasonably considered a fair insurance premium for the risk taken by them. Surely 120 per cent. higher rate is not reasonable, as it cannot be said that our Railway management is so bad that the actual average loss of goods in transit justifies such heavy premium. My Lord, such instances of fixing tariff with the sole object of earning the biggest

dividend can be multiplied, and I have a large list of such instances, which I shall be glad to place before any Member of this Council who desires to pursue this subject further. I may also draw his attention to the admirable and instructive articles on this subject contributed in the *Empire* by our worthy citizen, Mr. R. D. Mehta, C.I.E., who has thus done a great service to the country. Sir F. S. P. Lely, C.S.I., K.C.I.E., a very distinguished member of the Indian Civil Service (now retired) in Bombay, who knew the people intimately and entertained deep sympathy for them, in his book entitled *Suggestions for the better governing of India* observes: 'The Traffic Manager wields an irresponsible power over the country commanded by his Railways which should not be entrusted to any man, and least of all to one who rightly from his own point of view regards nothing but his masters' dividend under certain wide limits set down by Government. By a slight re-adjustment of rates he can, and sometimes does, crush a rising home manufacturer in favour of a foreign customer. An amended Code of Civil Procedure occupies for days and months the wisest of the land, but is of less practical consequence to the people of a district than the local goods tariff book.'

"This is the opinion deliberately expressed by a very high Government official who spent the best years of his service in India, moving in the district and watching the needs of the people.

"While I have been observing this policy of fixing tariffs for a long time, it naturally occurred to me to ask, what does the Railway Board do? I cannot imagine that it would shut its eyes to the interests of the industries and commerce of the country. I have the highest respect for my friend the Hon'ble Sir T. Wynne and for his desire to do what he can in the interests of the country. Some time ago I discussed some of these matters with him, and I understood from him that the Railway Board has no power to interfere in fixing the rates provided they were within the limits—minimum and maximum—prescribed. If that be so, I can only say that the handing over to the Railway Companies such wide powers in their contracts is the most unfortunate thing that could have happened to this country. After all, the Railways were not leased to the Companies for want of money; from 80 per cent. to 95 per cent. of the purchase capital is either supplied or guaranteed by the Government of India. The only consideration which induced the contracts was that private management was better than Government management. It would seem, however, that we had not sufficiently considered the interests of industrial development in framing the contracts. Cheap carriage of goods is a main factor in industrial development, and, as we have seen, the Managing Companies not only do not recognise any duty to encourage local industries, but they in some cases actually discourage them by penal rates. But Government have still sufficient power to influence the action of the Railway Companies as the country has to provide any additional capital that may be required. I hope that Government will give special instructions to the Railway Board to examine the conditions of each industry and prevail upon the Railway Companies to fix such tariffs as would not affect them injuriously in competition with imported articles and as would also afford inter-provincial trade full scope of expansion.

"I will now come to the second part of my Resolution. The extension of Railways to many times their present mileage is a great necessity of India. The Committee on Indian Railway Finance and Administration, presided over by Sir James Mackay, now Lord Inchcape, in their report published in 1908, pointed out that in their opinion the estimate that the existing 30,000 miles of railways in India should be increased within a short time to 100,000 miles, was short of what would be ultimately found to be necessary in India, and they were convinced that there would be fruitful fields for much productive expenditure on railways for many years to come. They added that in their opinion the steady and even rapid development of the Railway system of India should be regarded by Government as one of its most important duties. The Government of India have, I need hardly say, fully realised the importance of the extension of Railways. Recently very satisfactory terms for the construction of feeder lines were issued by the Railway Board. These I have no doubt

will materially encourage the extension of feeder lines, and I hope the progress will be much more rapid than it has been in the past. So far as these terms are concerned, they are satisfactory; but I am afraid too much weight is attached by the Railway Board to vested interests in withholding sanction for new lines when such lines are likely to divert some portion of the traffic of any existing lines. I will give a few instances. There is a proposal to construct a line from Ranpur on the Bhavnagar Railway to Dholka, a station on the Ahmedabad-Dholka Railway, which would shorten the distance between Ahmedabad and the Bhavnagar port and thus effect a saving to the merchants in railway freight. Moreover, it would develop a large part of the country which at present has no Railway connections. Messrs. Killick, Nixon & Co. and the Bhavnagar State have jointly agreed to construct this line, and they have applied to Government for sanction to carry out the project. It seems that sanction has been withheld because the Bombay, Baroda and Central India Railway has objected on the ground that its traffic would be affected. Why should the traders of Ahmedabad and all surrounding districts be asked to send out goods by a circuitous route and pay extra freight on them, and why should that portion of the country remain undeveloped at considerable loss to the people living there because the present Railway, which provides the circuitous route, objects for reasons of its own? And after all the Bombay, Baroda and Central India Railway own only a part of the present line. I will give another instance. It is proposed by the Mysore Government to construct a line from Erode in Southern India on the South Indian Railway to Nanjangud and through Mysore to a station on the north Arsikere, a station on the Madras and Southern Mahratta Railway. The new line will be of 224 miles in length and will develop a considerable part of the country. Here again difficulties have been raised on the ground that some part of the traffic may go through this line, which now goes by the present circuitous route from Erode *via* Jalarpur and Bangalore. The distance between Erode and Arsikere is 301 miles by the circuitous route; while by the new line it will only be 240 miles. Is the development of this vast country, and the consequent advantage to the people living in this area, to be subordinated to the interests of the existing line? Are the interests of the commercial and trading community, which would be immensely benefited by a shorter route, not to be considered?

"There is another instance where a vested interest has come in the way of legitimate Railway expansion. I refer to the case of the Bombay, Baroda and Central India Railway which is urgently in need of a link between Muttra and Aligarh. The question was raised on a previous occasion in this Council, when the Chairman of the Railway Board replied that vested interests have to be considered. This line will give the shortest route to Bombay from the fertile country round about Aligarh, the junction for all North Indian Railways. Apart from the advantages which Bombay may secure by the shorter route, the part of the country through which the Muttra-Aligarh line would pass will be greatly developed and the producers round about Aligarh will be able to secure the highest rates for their produce owing to the keener competition of purchasers. Are these interests of the people to be subordinated to vested interests? These are only a few instances out of many that can be cited. But I hope I have said enough to convince the Council that the practice of withholding sanction for the construction of new lines, on the sole ground of interference with vested interests, is detrimental to the proper development of outlying tracts and is calculated to create a monopoly in favour of existing lines.

"My Lord, I do not wish to be understood to mean that no consideration should be paid to the vested interests of the existing lines. I admit that where a proposal is made to run a parallel line to the existing line without opening up any new tracts, Government will be perfectly justified in refusing its sanction. But I contend that vested interests must be given a secondary place when a Railway line is proposed which runs through some outlying tracts whose development it will greatly stimulate and where the interests of the commercial and trading community are concerned. If we are to have a hundred thousand miles

or more of Railways, as recommended by the Railway Committee, how are we going to have them without treading upon somebody's toes? It is to the interest of the country that it should rather earn a somewhat smaller return for a hundred thousand miles and withdraw all conditions which hamper the free development of every part of it, than earn a larger return on 30,000 miles only and run the risk of retarding the opening-up of undeveloped tracts. Of course, from the point of view of the existing Companies, it is to their interests to earn large profits on small capital by trying to monopolise as much as possible the existing traffic. But there again, as I have already observed, from 85 per cent. to 95 per cent. of the capital invested on the Government lines comes out of India's revenue, and we are entitled to have a controlling voice in preference to the shareholders owning between 5 and 15 per cent. of the capital when it is a question of the economic development of the country. Further, the contracting Companies have an interest of only about 5 per cent. on the excess profit over the minimum.

"I now come to the third part of my proposition, *viz.*, the desirability of associating members of the commercial community with the deliberations of the Railway Board either by nomination to it of one or two additional members from among them, or by constituting an Advisory Committee of representatives elected from different important centres. This follows as a natural corollary from the first two parts of my proposition, in which I have endeavoured to impress upon Government the necessity of giving special consideration to the development of industries and to conserve and protect the interest of the commercial community. The Railway Board, I admit, has shown that it has the interests of India greatly at heart in dealing with Railway Companies, and has often used its good offices when complaints have been brought before it. But anxious as we know its energetic President is to help on India's advancement, he is powerless to dictate to the Railway Companies so long as in manipulating their rates they keep within the limits of minimum and maximum rates. I have asked that Government should give special power and special instructions to the Railway Board to alter the present policy on the lines I have indicated. But this, my Lord, will involve a great amount of extra work, and will demand a special knowledge of industries and trade in order that such responsibility can be satisfactorily discharged. The Railway Board as at present constituted can hardly be improved upon so far as expert knowledge of Railway management is concerned and their ability to discharge that part of their functions. But we cannot expect these Railway experts to take up the extra responsibility that will devolve upon them as a consequence of these suggestions, if my proposition is accepted. We should give the Board some extra assistance in the shape of experts in industrial and commercial matters. Such a combination of expert knowledge in Railways, with special experience in commercial and industrial affairs, will be of immense benefit to the country. The commercial member on the Board should have, in addition to his general duties as member, the special function of attending to the interests of commerce and industries. He will attend to complaints and suggestions from commercial representatives and bring them forward before the Board and would assist the Board with his opinions on them. There will also be a further advantage in that the expert members on the Board will have more time to devote to the work which they are best qualified to discharge. I should like to affirm once more that I do not intend by this proposal the slightest reflection on the Board, which, as I have acknowledged, has done admirable work. The proposal is on the principle familiar to us in our daily life, as well as in the Government of India. In the Executive Council of Your Lordship we have a law expert as Legal Member, we have as Finance Member a special expert sent out from England, we have His Excellency the Commander-in-Chief as an expert in the defence of the country, and so on. The question is of such vast magnitude and the interests involved are so many, that it is impossible to expect an agreement on all sides with the views I have expressed. I hope, however, that what I have said will be considered as making out a sufficient case for the inquiry which is all that this Resolution asks Government to institute. I hope therefore the Government of India will see their way to accept this Resolution."

The Hon'ble Mr. Mudholkar: "Sir, I rise to accord my support to the Resolution that has been moved in such able terms by my friend Sir Vithaldas Thackersey. For some years past the attention of those from among the people of the country who have been taking part or interest in its industrial and commercial development has been directed among other things to the principles and policy which guide the administration of railways in this country, and especially to those features of it which seem to them unfavourable to such development. The Council is aware that there has been an All-India Industrial Conference holding its session annually since 1905, and Provincial Conferences are also being held in the different Provinces. The Government of Madras and the Government of the United Provinces also convened Conferences at Ootacamund and Naini Tal, respectively, to discuss questions relating to industries in which they were interested. On several of these occasions some features of Railway administration bearing on indigenous industries and trade were discussed. - At the meeting of this Council held on the 3rd January 1911 questions were put by my friend the Hon'ble Mr. Sinha in regard to Railway rates and their effect on the growth of indigenous industries. The reply of the Hon'ble the President of the Railway Board to these questions, which though it was pretty long, not only failed to carry conviction, but did not meet the objections involved in those questions. Since then an eminent citizen of Calcutta, Mr. R. D. Mehta, has published a series of articles pointing out a number of anomalies and flaws in the methods followed by Indian Railways, especially those connected with rates for the carriage of goods. Now, Sir, I wish to make it clear at the outset to the Council and to the various Railway Administrations that those who criticise their policy and methods fully recognise the vast benefits which Railways have conferred on India, and the indispensable part they play, not only in our industrial and commercial activities, but in our every-day life also. Such a recognition, however, ought not to blind us to any defects which might be existing, and ought not to prevent the demand for improvement.

"Confining myself to the issues raised in this Resolution, I wish to add a few observations to supplement those which the Hon'ble Sir Vithaldas Thackersey advanced in his telling speech.

"One of the complaints made in regard to Railway freights is that they are excessive. In the statement which the Hon'ble Sir T. R. Wynne made on 3rd January 1911 he said that the Government is not prepared to agree off-hand to the statement that existing Railway rates on goods of indigenous origin are generally excessive. Now, Sir, a reply of that kind coming from a person of such high authority would under ordinary circumstances have been deemed conclusive. But there is an authority, who must be deemed equally high, who does say that relatively speaking the fares and rates charged in India must be regarded as high. In the report which the late Mr. Robertson, who was appointed ten years ago to inquire into the administration and working of the Indian Railways, this subject is specially dealt with. He says: 'the fares and rates charged in India, judged from the standpoint of the actual money payment made, are considerably lower than those charged in England; but for a comparison to be of any value, consideration must be paid to the circumstances of the two countries. Taking the cost of construction and working in England and comparing them with the cost of construction and working in India, and in every other respect if like is compared with like, I think it will be found that the fares and rates in India should, broadly speaking, be only about one-sixth of those charged in England.' He proceeds to establish by figures that before the fares and rates charged in India can be regarded relatively as even equal to those in England the former would require to be lower than the rates now charged—for passengers, by about 18 per cent. to 40 per cent.; for general merchandise by about from 30 per cent. to 60 per cent.; and for coal by about 40 per cent. to 60 per cent.

"He went on to say that such low rates as these reductions would involve are not impossible of adoption. Those therefore who say that Indian rates on goods are high have good warrant for saying so.

"The second complaint is that not only do the schedules of rates for the different Railways show numerous anomalies, but they throw far heavier burdens on indigenous articles and on inter-provincial trade, and that preference is shown to imported articles and to articles of export, as also to certain favoured industries and localities. There is not the least insinuation that these rates are devised deliberately or of set purpose to do injury to local industries or trade. But that the result of these rates is such will appear to any one who studies facts. I ask the Council to bear with me for a moment while I recount a few facts—and they are very few—out of the numerous which I can quote in support of what I say. I have got tables here, Sir, which will show how curious the anomalies are and how hard are the cases which the Council has to consider.

"In one table I give figures culled from the tariff schedules of the chief Trunk Railways which show instances of higher rates charged on shorter distances than on longer ones. For instance, from Delhi to Howrah, which is 903 miles, for a wagon load of wet hides they charge Rs. 170-1-0; from Khurja to Howrah, a distance of 852 miles, they charge Rs. 284, that is, Rs. 113 more. From Nagpur to Bombay, a distance of 520 miles, the charge on cotton is 12 annas; from Akola to Nagpur, a distance of 158 miles, the charge is Re. 0-10-6. I shall not tire the Council by reading all the 30 or 40 cases which I have noted down on this paper I have in my hand.

"In another table I quote a few instances to show that rates from and to ports like Calcutta, Bombay, Karachi, etc., are lower on articles imported from abroad, or are generally exported abroad, than those charged on the same kind of articles when inter-provincially consigned. The rates in the latter case are greatly in excess. Thus, from Peshawar to Karachi, a distance of 929 miles, the charge per maund for cotton at railway risk is Rs. 1-5-0, and from Peshawar to Delhi, a distance of 585 miles, the charge is Rs. 1-8-8, which is Re. 0-3-8 more than that charged from Peshawar to Karachi, and the distance is shorter by more than 350 miles. From Multan to Delhi, a distance of 458 miles, the charge is Rs. 1-3-3, and from Multan to Karachi, a distance of 577 miles, it is Re. 0-14-6, that is, five annas less. You will find that the difference is this. The charge in the case of Karachi to Multan is 33 pie per maund and in the case of Multan to Delhi it is 50 pie per maund.

"In a third table I go to show how some places are favoured. For example, Cawnpore gets better, that is, lower, rates than Delhi. Cotton consigned from Amraoti or Hinganghat to Cawnpore is at a lower rate per mile than from either place to Delhi. Similar is the case with consignments from Chandausi to Cawnpore and Chandausi to Delhi.

"In a fourth I give instances to show that there is positive discouragement to Indian industries. Thus imported sugar from Bombay to Cawnpore, a distance of 840 miles, is charged Re. 0-13-6 per maund, while indigenous sugar going from Cawnpore to Akola, a distance of 649 miles, is charged Re. 1-2-4. Sugar going from Bombay to Barsi is charged Re. 0-6-6. This is imported sugar for the most part. While jagree, which is inferior and rough indigenous sugar, is charged Re. 0-9-9, that is, 50 per cent. more if taken from Barsi to Bombay. While the Government and the people are anxious to revive the sugar industry, and are spending vast sums for that purpose, the Railway Companies are imposing upon its products heavier burdens.

"Sometimes the lowest possible rates are quoted for seeds exported from the United Provinces to Europe, but for oil the rates are the ordinary classified rates. For seeds from Allahabad to Howrah, the charge is half of what the consignees from Calcutta to Allahabad have to pay on their consignments of oilcake.

"Cotton seed for export has the benefit of the lowest rate for seeds, but oilcake or cotton seed oil or cotton seed consumed in the country is not allowed such low rates on most of the Indian Railways. The rate for cotton seed from Cawnpore to Bombay, a distance of 992 miles, is Re. 0-8-3 per maund; from Delhi to Karachi it is Rs. 0-7-7 for a distance of 908 miles, constituting 08 and 1 pie per mile; whereas the rate for oil from Cawnpore to Hathras is Rs. 0-5-0 per maund, that is, 4 times and 3½ times as much as the rate for the cotton seed exported.

"The rate for oil-seeds from Allahabad to Howrah is Rs. 0-5-3. Oil-cakes consigned from Howrah to Allahabad have to pay Rs. 0-9-1, that is, a little less than double.

"The fares from trade centres from where two or more lines start or where they meet are so devised by each Railway as to attract greater traffic to its line. The interest of the public is not kept in view in this scramble for traffic. We have what are called the 'block rates', whereby a Railway on which a certain traffic originates prevents that traffic going by a shorter route worked by another Railway. The Railways are owned by the State, and as the Companies have to work only in the interests of the country, it is undesirable that this state of things should continue.

"With regard to the other portions of the proposition, I can only accord my hearty support."

The Hon'ble Sir T. R. Wynne: "Sir, I have listened to Sir Vithaldas Thackersey's speech with the greatest interest as it deals with a matter of very great importance, and I thank him for the very moderate way in which he has placed his case forward and for his testimony that Railways are working their lines as they should do. Briefly, his point is, this, that as a commercial proposition the Railways of India are being worked as they should be, but he says that, owing to the large interest the State has in Railways, Railways should be worked in the interests of trade and not so much as commercial dividend-producers. And he further argues that if the State is unable, under its contracts with the Companies, to accomplish this end, then it is a most unfortunate thing for India and that a remedy should be applied. Well, while holding the opinion, for reasons which I shall give later on, that Railways do quote rates with the object of developing local industries, I may as well say at once that Government, under the contracts with Companies, has no power to order a Railway Company to quote special rates as would meet Sir Vithaldas Thackersey's wishes, even though it happens to own all the Railways in India.

"It would be useful if I explained how the situation has arisen, and how it was that Companies were employed in the early days of Railways in India to make and work Railways and how it was that they have been given this latitude in the matter of rates. The decision to employ Companies to make Railways in India was not based, as Sir Vithaldas thinks, on the idea that private management was better than State management.

"In the year 1845, when Railways first began to be made in India, the Government of India and the Secretary of State were not in a position to raise as loans the money required to build Indian Railways."

The Hon'ble Sir Vithaldas Thackersey: "May I, Sir, with your permission, correct a misunderstanding, because the Chairman of the Railway Board may be arguing the point what was done in 1845 and in the early days of Railways in India. I refer in my Resolution to the contracts that were renewed with the Railway Companies only within the last five or eight years."

The Hon'ble Sir T. Wynne: "Sir, I shall be dealing with Sir Vithaldas' point later on, but, Sir, I am obliged, to fully explain the position, to trace back to the time when Railways all over the world were then in their infancy, and the idea of a Government owning and working its own Railways, or that a time would arrive when there would be a demand that Government should have the right to specify rates for each commodity, had never entered anyone's head. Moreover, all Railways in all countries were then being made by Companies.

"To these circumstances it was due that the early Railways of India were Railways owned and worked by Companies, under such financial terms and conditions of working as were necessary to enable the

necessary capital to be raised. Later on the State undertook to build and work Railways itself, but after a time difficulties were experienced in raising sufficient funds by loans, and in 1884 a Select Committee of the House of Commons was appointed to inquire into and report upon the necessity for more rapid extension of Railway communication in India and the means by which this object may be best accomplished. This Committee in their report stated they had given great attention to the merits of State operations as compared with construction and working by means of Companies, and were of the opinion that it was desirable to employ both agencies. They further added that the Government should retain in their own hands a power of fixing or from time to time varying the maximum of fares and rates, subject to adequate provisions to secure the interests of investors.

"These shortly are the reasons why Companies began the construction and working of Railways in India and continue to do so at the present time.

"Now, out of the fact of Companies being used to build and work Indian Railways in the first instance have arisen conditions which at present do not permit of the Government of India acting in the manner which Sir Vithaldas desires.

"When you invite capital to invest in an undertaking, you have to make it quite clear (especially in the case when one party to the contract is a Government holding larger interests in the country besides those of its Railways) exactly to what extent that Government is entitled to interfere in fixing the charges which a Railway may make.

"It is obvious in a country like India, where the Government is so largely interested in land and draws its revenues from many sources of taxation, besides having to pay large sums for transport, it might be to the interest of Government to reduce Railway receipts in order to secure more revenue in one direction, or savings of transport in another. In such a case, the interests of the shareholders and the Government would become divergent.

"In these circumstances, the early investors in Indian Railways, constructed under contracts between the Government of India and the Railway Companies, insisted on a clear understanding as to the power which Government might exercise over rates and under which they would be protected against such contingencies I have just indicated.

"The form which this protection has taken in all Indian Railway contracts is that Government has the right to fix the class in which each commodity shall be placed, and the maximum and minimum rate for each class. Within these limits the Companies are left to use their own discretion in the matter of the rates which they will charge.

"It may be urged that modern contracts should have provided for the State having more control over rates. It is true that as the old contracts expired new contracts were entered into, but the investors and the money market having become accustomed to certain conditions it is no easy task to modify them without prejudicing the raising of capital. Every new contract is more favourable to Government from the financial point of view, and instead of Companies owning the lines as they used to do, the lines are now the property of the State, the contracts being working leases and the shareholders providing a small share of the capital. In the minds, however, of those controlling the money market and the shareholders, the possible arbitrary reduction in rates by Government has not been disregarded, and for this reason the old protection in regard to power of control of rates by Government has been insisted on.

"This being the position, I have now to deal with Sir Vithaldas's opinion that it is an unfortunate one for India and should be remedied.

"To begin with, I would point out that, without Companies, India would not have had as large a Railway system as it has at present. Sir Vithaldas

has correctly stated that 18 millions share of the capital belongs to the State, but he has left out of account the debenture capital, which is a very large amount indeed. It often happens that it is more convenient for the Secretary of State to ask the Companies to raise money by debentures. Out of 264 millions sterling spent on Railways in India, the sum of 49½ millions has been provided by Companies in shares and debentures which represent many miles of Railway which would not have been built if outside capital had not been employed. This is some compensation for the lack of Government control in the direction which Sir Vithaldas advocates. The main reason, however, why I cannot agree that the position is an unfortunate one and which requires immediate remedy is because the position is not as Sir Vithaldas and Mr. Mudholkar has described it to be in all good faith.

"Local industries are, in my opinion, largely assisted in their development by Indian Railways. What a Railway wants is traffic, and it is to its interest to quote rates that will produce this traffic whether it is to a port or local. Indian Railways quote rates to assist local developments, and as evidence of this I have here two goods rate books of the East Indian Railway and the Bombay, Baroda and Central India Railway. You will note the large number of pages in each of these books in which are enumerated the special rates for local and inter-provincial traffic—rates which are lower than the Companies could insist on.

"Furthermore, to illustrate the attitude of Railways in regard to rates for the development of local interests, I will refer you to a very useful Industrial Conference which was held in the United Provinces in 1907, when Mr. Chatterjee was placed on special duty to inquire to what extent Railway rates were hampering local developments of trade. The report of this Conference was sent to the Railway Board by the United Provinces Government, their letter ending with these very sound remarks:—

"The Lieutenant-Governor is aware that the question of Railway rates is an extremely technical and difficult one, and he would have some hesitation in forwarding suggestions which are not based on expert knowledge and which in many respects will probably be found to be open to criticism. He is convinced, however, that an industrial awakening of the country is in progress which will lead to the most important results, and as he understands that a general revision of Railway rates is now being discussed he desires to put these suggestions for the encouragement of industries before the Railway Board for their consideration."

"The action which the Railway Board took was to send the report of the Conference to the different Railways, expressing the opinion that it was deserving of their most careful consideration. The Railways met in Conference and considered it, and, as a result, several reductions in rates were made, by putting the articles in question into different classes with lower maxima to that in which they had been before, and the following unanimous resolution was recorded:—

"That Railways have given and will continue to give sympathetic consideration to any question of rates calculated to assist in the development of local industries."

"This, I claim, establishes the attitude which all Railways agreed to take up in 1908, and which seems to me to be quite in accordance with Sir Vithaldas's views of the fitness of things.

"Again, only last week replies were received in answer to a reference from the Railway Board to some of the leading Railways relative to a reduction of rates on oil-cake to be used as a fertilizer and its relative position as regards oil-seeds which shows that this attitude is steadily adhered to.

"One Railway pointed out that the local rates for oil-cake were very much lower than for oil-seeds and for several stations were the same as for coal, the second Railway reduced its rates for oil-cake, the third Railway said there had been no requests for a reduced rate, but that it would be quite prepared to quote rates to meet the demand.

"I am quite prepared to admit anomalies do exist in local rates; they exist in every country in the world; but I am not quite sure that Sir Vithaldas has been quite happy in the cases which he has cited. The Ahmedabad match case is one about which a great deal has been written. I think I am right in saying

that special rates are now quoted for this factory, and that it is allowed wagon rates on a minimum of 81 maunds instead of the 175 maunds which is insisted on in the case of the foreign match from Bombay. With regard to the remarks about Broch, the subject is the development of local industries, and I do not think that a Railway should be prevented from competing with seaborne traffic. At the same time, I cannot help thinking that the reason why Railways do not sometimes quote the rates which producers desire to secure in order to help on the business, is often due to the trader not being in close touch with the Railways and placing his position clearly before them; and I think this is the reason rather than reluctance of the Railways to meet the trader.

"I base this opinion not only on my own experience in India but also on what happened in 1906 in England. English traders had been complaining in a general way for some time that English Railways favoured foreign farm produce by quotation of favourable rates as compared with those charged for home produce. A Committee was then appointed to inquire into the rates charged by Railway Companies in Great Britain in respect of the carriage of foreign farm and dairy produce from the ports to the towns, and into the question whether there was any evidence to show that preferential treatment was accorded to such produce as compared with home produce, and, if so, what further steps should be taken either by legislation or otherwise to secure the better enforcement of law in the matter.

"It is a parallel case to the matches, glass and sugar case referred to by Sir Vithaldas. The Committee came to the conclusion that no legislation was necessary, because the evidence which they had taken showed a marked absence on the part of the complainants to take the action which they might have taken to get their difficulties remedied.

"My advice is that those desirous of developing local industries should cultivate very close relations with the Railway Administrations whose assistance they require. I feel sure the Railways will respond, and the Railway Board have assisted in the past, and always will be ready to assist individuals in the future, in settling a rate which is fair to the Railway and reasonable to the producer; but it cannot, as I have explained, order that its views shall be enforced in such cases under existing conditions if the Railways will not agree to it.

"On this question of Railways being worked in the interests of the trade of the country and not solely as commercial undertakings as stated by Sir Vithaldas Thackersey, it will perhaps be interesting if I quote an extract from a report by the Board of Trade of England on the Railways in Germany issued in 1909. It is interesting, as it brings out the fact that in a country where the Railways are practically all owned and worked by the State, there is still a great deal left undone in the way of rates for developing local industries, in the way Sir Vithaldas would recommend.

"The extract is from the Report of the Chamber of Commerce for Essen, and the opening lines run as follows:—

'The decisive rôle in the nationalization of the Railways was the standpoint that the State lines would be made to serve in the first line of economic considerations and with their aid the economic forces of the country would be developed and a considerable impetus be given to agriculture, industry and trade.'

"That is, I take it, Sir Vithaldas's idea.

"The Chamber then proceed to explain that this result has not occurred and give as one of the reasons the fact that (exactly as in India) the 'economic interests' of Railways were not kept apart from the financial and fiscal interests of the State.

"They also record that great difficulties are opposed to an extensive reduction of rates and that such reductions as have been made have proceeded at a very slow rate. They also refer to shortness of rolling stock.

"This is what has happened in Germany, where all Railways are practically owned and worked by the State, and the reason for it is that in the quotation of rates you cannot entirely neglect the financial claims of Railways to some

consideration, especially in India and Germany, where Railway receipts are part of the Imperial Budget. The result is that some very difficult rate problems have to be solved. What, off-hand, seems the obvious thing to do may, when investigated, often show that the quotation of the low rate demanded can only benefit the producer at the expense of the Railway or some one else in the same trade elsewhere. If any member is anxious to appreciate the complexity of such rate problems, I recommend him to read *Railway Problems* by Professor Ripley. He will find it very hard reading, and I venture to think that when he has finished he will approach apparently simple rate questions with great caution.

"I will make use of that book to answer the question asked by Sir Vithaldas: 'Why should people in certain places be hard hit by Railway rates because their geographical position may happen to be between two competing lines?' My answer is that you arrive at apparently most anomalous decisions when all the considerations affecting a rate are taken into consideration. For instance, in America there is an Interstate Commission to which may be referred all questions of rates charged by Railways. One of the cases which came before this Commission was the 'Chattanooga' case. In this case the rates were higher to Chattanooga from certain other stations than they were to another station 151 miles further away. Apparently a gross anomaly! The Commission, which is not interested in any way with the Railways concerned and whose sole duty is to deal fairly with cases before them from every point of view, including the Railways, came to the conclusion that, taking the many considerations which affected the case into calculation, the higher rate to Chattanooga had not been shown to be unreasonable.

"In the same way good reasons could be advanced why the rates from competitive points to the ports should be lower than the intermediate rates. The Hon'ble Mr. Mudholkar has referred to what seems to be chiefly competitive rates. To go into this fully would take up too much time and would necessitate the careful examination of the financial, administrative and economical, etc., considerations involved. The interests of the country served by the Railway in respect of the rates it would have to charge on intermediate traffic, if it did not carry a share of the competitive traffic in question, and the interests of the port served, are also important factors in this case.

"There is one more point to deal with the first part of the Resolution, namely, the quotation by a Railway of its maximum rates permissible. These are generally called block rates. Sir Vithaldas has very correctly described why these rates are quoted and has recognised their fairness from the point of view of a Railway dividend. But there is another reason why these maximum rates should be allowed. The trade to and from the ports, under the rates that have been charged in the past, has in course of time developed spheres of influence for each port.

"Taking it all round, Calcutta trade receives certain advantages through its Railways quoting maximum rates against other ports in its favour, and as Bombay Railways do the same in Bombay's favour, it pans out on the whole fairly well to both sides. Inter-provincial traffic is not carried for long distances, and the maximum rate that may be charged is fixed by Government. Furthermore, State revenues are very much interested in this matter. If any Railway mainly interested in taking traffic to Calcutta and now quoting its maximum rate for a short lead in the direction of Bombay, say, was obliged by law to reduce this rate considerably, it would at the same time have to reduce its rate to Calcutta in order both to retain its traffic to and in the interests of that port. This would affect other rates it might be quoting from many other stations.

"In a very short time the receipts of this Railway would show a very considerable reduction, very largely at the expense of the Government revenue from this line."

The President: "The Hon'ble Member has exceeded his time, and he must bring his remarks to a conclusion."

The Hon'ble Sir T. R. Wynne: "Sir, I remember once attending an old Council meeting when Lord Curzon was here, when he said that if a gentleman

would like to hand in his speech instead of reading it he would not object. May I be allowed to hand in this paper containing the remarks I have still to make and may they be considered as having been read?"

The President: "I have allowed the Hon'ble Member considerable latitude because I felt quite sure that I should be acting in accordance with the wishes of the Council as this is an important subject in regard to which he is a specialist. But, of course, I must keep an even balance between him and other Members, and therefore I think if he will kindly shorten his remarks and bring them to a conclusion as soon as possible, we shall get on better."

The Hon'ble Sir T. R. Wynne: "With regard to the question of vested interests, I feel sure that when Sir Vithaldas takes it into his head to promote Railway Companies to increase the Railway mileage of India which he so strongly advocates, it is certain that when he has built these Railways and opened them and somebody comes forward with a proposal to make a line or lines in competition with them that Sir Vithaldas will supply one with unanswerable arguments as to why these new lines should never be made."

"As regards the question of the Commercial Member on the Railway Board, it would be very difficult to select a suitable man, as the field is so narrow. It is also difficult to appreciate how a man conversant with, say, the grain and seeds business in Bombay could assist the Board in dealing with tea and jute in Bengal."

"My time is too short to enable me to develop my further arguments, so I will now conclude."

The Hon'ble Mr. Clark: "I am afraid, Sir, that I have already taken up a fair share of the time of Council this afternoon, but in dealing with this Resolution I will be as brief as possible, especially as my Hon'ble friend the President of the Railway Board has dealt with the earlier part about rates and the more technical part very thoroughly. At the same time, I think I ought to say a few words upon it, partly because the Hon'ble Sir Vithaldas Thackersey is entitled to hear the views of Government from the Member in charge of the Railways, and partly because the line of argument which he has adopted also affects me in my other capacity as Member of Commerce and Industry. His argument, in the closely reasoned and very moderate speech which he has delivered, has been that the inquiry which he advocates is necessitated in the interest of commercial and industrial development in India. He complains in fact that the Railways, which he says—and I am very glad to have his testimony—are most efficiently run from a purely Railway and financial point of view, are not utilized, as they might be, to assist commerce and industry; and I gather his view also is that in certain districts, at any rate, the Railway policy is actually inimical to trade."

"I think I shall not be wrong in assuming that in proposing a Committee of Inquiry, the Hon'ble Member has in view the question of Railway rates more especially than the other two subjects mentioned in his Resolution. It is without question the most important of the points he brings forward; and it is one which, for reasons I will mention later on, I think it is an excellent thing that we should have had an opportunity of discussing in this Council. He will not expect me to go into details as the President of the Railway Board has done, but I will just place a few observations before Council, showing why in our judgment the appointment of a Committee would not be the best way of dealing with the situation. I take it the Hon'ble Member does not intend to suggest that the policy now adopted in regard to Railway rates interferes with the trade of India as a whole. Trade has developed very rapidly during the last few years, and not only that, but the traffic on the Railways has developed very rapidly. If Railway rates as a whole had been inimical to commercial interests as a whole, that would not have been possible. At the same time I do not deny for a moment that anomalies do exist in certain localities. These anomalies are largely due to the Indian system of separate and, in some cases, necessarily competitive Railway administrations. The policy of Railway Companies, which at first is usually

towards direct competition, tends very rapidly towards mutual agreements and understandings which reduce competition practically to a minimum. In England, for instance, competition, especially during the last two or three years, has practically come to an end. In India, though lines working more or less parallel to one another are for the most part not in acute competition, there is always the cleavage between the East and the West, the result of which is that areas, so to speak, on the watershed, such as Delhi, benefit by competitive rates to Bombay and Calcutta, while, on the other hand, the Companies working the main trunk lines running east and west put on block rates over short distances under their control, in order to induce traffic to go over a long lead on their own systems to the ports in which they are interested rather than over a short lead on to their rivals' systems. There is nothing of course unusual about this or unfair, as I think the Hon'ble Member himself has admitted. But it unquestionably leads to certain places enjoying peculiarly favourable rates and to others paying block rates, at any rate in one direction. I do not mean to suggest that competition is the sole cause of anomalies of rates occurring. You also find Railways habitually giving a lower charge for a longer distance from or to a port as compared with intermediate places. These are all anomalies, but they are anomalies which result from a very natural state of things, a state of things which is accepted as a commonplace of Railway management.

"Now if I understand the Hon'ble Member's proposition correctly, what he would wish to see is that Government should have power to step in and say to these Companies—'We object to your putting on a block rate here, and to your giving special competitive rates there, or to your giving special reductions for import or export trade. You ought to equalise rates as far as possible over the same distance; and one locality ought not, whatever the reasons, to be favoured above another.' This is a very plausible contention, and I should think most people would have a good deal of sympathy with it. But I think my Hon'ble friend the President of the Railway Board has shown how impracticable it is under our present system and having in view the contractual relations of Government with the Companies. He has shown, too, how very complex these rate questions are, and how very difficult it is for Government, even if it had a very free hand, to interfere in the matter. And I think he has shown also that Railway Administrations do not approach these questions in an unreasonable spirit; that they are ready to meet the difficulties of traders; and, where existing rates are interfering with trade, to modify them. It is clearly in their interest to promote trade and to get localities opened up; for the development of trade in a given district means more business and more profits to the Railway. It must be remembered that the Traffic Manager of a Railway is not omniscient, and until he is approached in regard to a given commodity, it is not always easy for him to strike a suitable rate. In such circumstances, he will probably place the commodity in the maximum class and then on receipt of representations reduce it to meet the requirements of the trader and at the same time to create traffic on his Railway. The position therefore is really, that what is mainly wanted is for traders and agriculturists to come forward more freely and to place themselves in closer communication with the Railway Companies. Now the question I should like to put to Council is whether the appointment of a Committee is really the best way to achieve this object. A Committee of Inquiry would go about India; it would ask for grievances; it would ask people to bring forward cases where they thought their interests were not properly considered by Railways. Everybody, agriculturists and traders, would have a try at getting a lower rate for his goods whether he had a good case or not, and the real grievances would be swamped in the sham ones. A very good instance of what would occur was afforded by that Committee appointed in 1906 in the United Kingdom, to which Sir T. R. Wynne has referred. I remember its appointment very well and the kind of discussion which led up to it. It was partly due, like many Committees of the kind, to parliamentary pressure from the local members, who said that their agriculturist constituents were being penalised by having to pay heavier rates on their goods than were paid on produce

imported from abroad and shipped direct by rail to London. It sounded an exceedingly plausible case and as if there must be a very serious grievance underlying it; but when the Committee looked into the matter, they found that the greater number of these agriculturists had not even taken pains in the first instance to try and get reasonable rates by the ordinary methods of approaching the Companies, and so on. We do not want an inquiry with that sort of result here. What we do want to do, as I said, is to get the trader into closer touch with the Company. They would then be able to discuss these things, and be able to arrive at a satisfactory conclusion, and, if the services of the Railway Board were of any use in coming to an arrangement, I am quite sure that they would, as in the past, do their very best to help. I said just now that I was glad that the Hon'ble Member has brought forward this Resolution. I think it specially useful that we should have had this discussion at a time when it will help to indicate the true difficulties of the case and to show that it is not quite so easily dealt with as may appear. I think anyone who has listened to today's debate will realise something of the complexity as well as of the importance of these problems. If Government do not consider that a Committee is now desirable, it is that the first step, as it seems to them, is that the needs of traders should be brought more clearly before the Railway Administrations. The Hon'ble the President of the Railway Board has put this side of the case, I think, very clearly, and Hon'ble Members will, no doubt, remember that he speaks not only as an official of Government, but also with the experience of an officer who has had the running of one of our great Railway Administrations.

"I turn now to the second and third parts of the Hon'ble Member's Resolution. The first of these relates to the question of vested interests in connection with proposals for the construction of new lines. This question must after all be mainly a matter of degree. You clearly ought not to attach excessive importance to vested interests; but, at the same time, you cannot afford to disregard them altogether. I cannot help thinking that in putting down this part of his Resolution, the Hon'ble Member had principally in mind the case of the proposed extension of the Nagda-Muntra Railway to Aligarh which the Bombay Chamber of Commerce have very hotly advocated. I have reason to remember the case well because I was approached on the subject on the very day after I first landed in India. The Bombay Chamber loses no time and no opportunity over matters in which they take a strong interest, and they are very wise to do so. This is no time to go in detail into all the pros and cons of this much debated question; but it affords a good example of the danger of neglecting vested interests altogether. Rightly or wrongly, it is generally assumed that the sphere of the East Indian Railway is generally supposed to extend up to the east bank of the Jumna. The Bombay Chamber's proposal is to push a Bombay line through to Aligarh. I am not now discussing the merits of the case on either side; but one thing is quite clear, and that is that the extension, if authorised, would lead to a strong competition of rates of the kind which the Hon'ble Member has already deprecated and which would probably end in a considerable loss of revenue. This shows how careful you have to be in these matters. As I have said, this question of how far vested interests should be taken into account must be one of degree. No Committee, so far as I can see, could lay down hard and fast principles to guide the Railway Board or Government in taking a decision in the many cases which must continually arise; and therefore I cannot agree with the Hon'ble Member that there is a case for having this subject examined in this particular way.

"Something of the same kind must be said with regard to the third proposal, that we should have one or two commercial members on the Railway Board, or that there should be a sort of permanent Advisory Committee to assist the Board with their advice on commercial matters. Again I would submit that whatever may be the merits of these proposals *per se*, there are really no grounds for referring them to a Committee. Hon'ble Members will remember that the constitution of the Railway Board was examined only as recently as 1908 by the Committee on Indian Railway Finance and Administration presided over by Lord Inchcape; and certain alterations were then made in its structure. It has had a little more than three years to run in its revised form, and it would

be premature to institute another inquiry into it at present. As to the merits of the proposal, I am sure the Hon'ble Member will appreciate the difficulty of getting a man who would really be of very much use to the Board. It sounds a very plausible proposition that we should have a commercial member but we can only get a man who is experienced in one particular branch of business and who would not know much outside of it. A Member with financial experience would no doubt be of use to the Board in the scrutiny of a new contract; but this, I gather, is not what the Hon'ble Member has in view. The purely commercial member who, generally speaking, would be a man who had gained commercial experience in a single branch of trade, would, as the Hon'ble the President of the Railway Board has said, have little useful knowledge outside that sphere. I also think that we have hardly reached the stage yet when an Advisory Committee would be of any great assistance in India. Business men in India are generally hard worked, and most offices are shorthanded. It is difficult to see how an Advisory Committee could be formed which would be prepared to meet together from different parts of India, and confer with any frequency with the Railway Board, especially as an essential part of the idea would, I take it, be that the Committee should contain representatives from all parts of India, and certainly from the two great commercial centres in the east and the west, Calcutta and Bombay. No doubt the proposal would be facilitated by the approaching change of the capital of India from Calcutta to Delhi; but even then I hardly see how the thing can be done. It seems to me that it would be far better for the present, at any rate, to retain the existing system by which the members of the Railway Board meet the different commercial interests in the different centres, and obtain commercial opinion from the Chambers of Commerce. The Chambers of Commerce in India are very active bodies and they are not, in my experience, behindhand in bringing their grievances before Government and stating them very fully. I hope the Hon'ble Member will not think that I say this in any spirit of obstruction towards his proposals; but I honestly think that it would be more convenient for the commercial community generally that the present system should be continued.

"I have set forth as briefly as I can the reasons why Government think that they should refuse the Committee of Inquiry proposed by the Hon'ble Member. There hardly seems scope for an inquiry by a Committee except in regard to the first subject which he has mentioned, namely, that of rates. There I fully admit that anomalies and difficulties arise, but, as I have explained, I do not think that they would be best met in the way he suggests. Government regret, therefore, that they must oppose the Resolution."

The Hon'ble Sir Vithaldas Thackersey: "Sir, I have listened very carefully to the speeches of the Hon'ble the Member for Commerce and Industry and of the Chairman of the Railway Board, and I must say that neither of them has given any satisfactory explanation for the conditions under which the industries of India suffer so heavily. I am very sorry that the Chairman of the Railway Board was not able to finish his speech because I was very anxious to know what possible defence could be offered on behalf of the anomalies I referred to in my speech. However, to the extent that he has replied, I will take his points one by one. He says Railways were started in 1845 or somewhere about that time, and that then it was not quite easy for the Government of India to raise all the capital required for Railways. Well, that was not my point. I say, Railways were started in 1845, but the contracts expired in 1870, in 1900 and in 1907; why did you then enter into new contracts for management with those Railway Companies? The only argument that could be urged would be, perhaps, that those who were responsible for the making of these contracts thought that Company management was better. The fact remains that the Railway Companies only own 7 per cent. of the capital and we own over 93 per cent. Out of the total outlay on Indian Railways of 264 millions sterling, only 18 millions belong to Railway Companies. The 36 millions that are raised by debentures are guaranteed by the Government of India. Surely, the Government of India did not go to those Railways for want of 18 millions when they themselves financed about 250 millions. There must be some other reasons.

The argument that we went to them for money does not hold good. The Hon'ble Sir T. Wynne said, that when Government invited capitalists to subscribe for Railways, unless they gave them a free hand they would not respond. It might have been necessary in 1845, but when contracts become due, all that you had to do was to pay off the shareholders. Instead of that you allowed them to continue on very favourable terms. Surely, in making new terms, no one can complain if you do not give those shareholders a free hand. Then the Hon'ble the Chairman of the Railway Board said that Railway Companies, for their own benefit, tried to quote low rates for inter-provincial trade, so that they might get the most traffic. Well, I have admitted that general proposition in my speech. But the question is, what if the Railway Companies do not consider that there will in some individual cases be any immediate profit? I will give one concrete example. A very influential Railway Company, only a short time ago, in reference to a Government communication, said that any reduction favourable to a certain local manufactory would kill the traffic in imported commodity from Bombay which was much against the interests of the Railways. Well, Sir, this is the argument of the Railway Company. If a Railway Company believes that matches made in Ahmedabad or Allahabad or any other place will reduce the traffic from Bombay to Allahabad, it is not in the interest of the Railway to reduce that rate, but it is in the interest of the nation which finances the Railways to so reduce it. The Hon'ble Sir T. Wynne said that the Railway Conference in 1908 accepted Mr. Chatterji's recommendations. I am very glad that they accepted his recommendations, and if they begin to remove just grievances, they will have plenty of them brought before them, and there will be no reason to come before the Imperial Council. Then, Sir, the Hon'ble the Chairman of the Railway Board, made only a passing remark about Broach, that the trade had doubled in two years and therefore there was no necessity to interfere. Well, I say, that the grievance of the Broach people is real and that the Broach trade is being killed.

"Sir, in this case at least the Government of India have the power of interference, and if they do not exercise their power, the merchants will have a stronger grievance against the Government of India. I have in my hand a contract entered into between the Secretary of State and the Bombay, Baroda and Central India Railway, dated the 8th April 1907. In paragraph 25 it says 'the Railway Board may at any time require the Company to quote over the Railways comprised in the undertaking such rates in respect of the conveyance of passengers and goods to and from western ports lying between Karachi and Bombay inclusive, as may be necessary in the opinion of the Board to secure the carriage of trade to and from such ports on equal terms.'

"Here is a clear power reserved under the contract to the Government of India, and Broach shall have a just grievance against the Government of India if they do not exercise the power reserved to them. Broach does not want more than equal treatment at the hands of the Bombay, Baroda and Central India Railway, as provided in paragraph 25 of the contract.

"Then, Sir, I come to the question of block rates. The Hon'ble Chairman of the Railway Board has said, as also the Hon'ble Member in charge of the Department of Commerce and Industry, that it was a very difficult matter to deal with. It is natural that the Railway Companies should try and prevent their traffic going to other lines. Well, with all that I agree, but what would have been the condition if all the Railways had been owned by one Company? Take the instance of Bombay, Baroda and Central India, East Indian Railway, and the Oudh and Rohilkhand Railway or any other Railway: within their respective lines there are no such block rates. It is because Railways belong to different Companies, and each Company tries to appropriate traffic to itself, that such circumstances arise. My argument is that the whole of the Railways belong to the State, and therefore there should be on the whole one general policy, that Railways should have no block rates against one another. Let the Great Indian Peninsula traffic go to Calcutta and the East Indian Railway go to Bombay and the Oudh and Rohilkhand Railway go to Karachi. There should be fixed charges according to greater or shorter distances, but there should not be block rates for preventing the natural development of trade; and I do not

see what difficulty can arise in following such a policy when contracts expire in future. The trade should be allowed to go wherever the merchants feel justified in taking it.

"Then it is said, if you properly approach the Railway people, they will listen to you. I do not know what is the proper way of approaching the Railway people. The agents of the Ahmedabad Match Factory had a great deal of correspondence with the Bombay, Baroda and Central India, the North-Western and the East Indian Railways, and they also wrote to the Chairman of the Railway Board. From nowhere did they get their grievances removed. I will give you an instance. Of course, properly to approach often means, 'use influence' if you have. Take the instance of Cawnpore and Delhi. Cawnpore is a large industrial centre for cotton, and so is Delhi. Every Railway that goes to Cawnpore has rates for carrying cotton to Cawnpore, because the large mill-owners of Cawnpore—I need not mention their nationality—know to approach the Railway Companies. Take now the case of Delhi. There are a few mills owned by Indians and we are asked to believe that they do not know how to approach. The mill-owners of Delhi put their grievances before the Hon'ble Member for Commerce when he went to Upper India Chamber of Commerce, and were asked to approach the Railway Company. I think this way of asking individuals to go to the Railway Companies for favours or to use influence is the worst thing that we can do. There should be rules and regulations, and a policy fixed, and we should get things by right and not by favour."

The Hon'ble Mr. Clark : "I ought to explain that I did not for a moment mean to suggest that the Hon'ble Member should go to the Railway Companies and ask for favours. I only meant to say that the Railway Companies are not necessarily in a position to know the requirements of every form of trade, and unless the Traffic Manager is informed by the people interested as to what they want, he cannot know where rates are unduly high."

The Hon'ble Sir V. Thackersey : "Sir, I am glad to have the explanation given by the Hon'ble Mr. Clark. But would you believe, or would this Council believe, that during the last two or three years, when the crop of cotton round about Delhi was bad and mills had to shut down for want of cotton, that they did not approach the Railway Companies to bring cotton from places like Multan at lower rates? I have got instances. Multan to Delhi is 458 miles and the rate is 50 pies per mile or Rs. 1-3-6 per maund. Multan to Karachi is 577 miles, and the rate is 14 annas 6 pies per maund. For carrying goods for 577 miles to Karachi port the North-Western Railway charges 14 annas 6 pies, and for carrying to Delhi, a distance of 458 miles, it charges one rupee three annas. Is this justifiable? Again, from Chandausi to Cawnpore, a distance of 236 miles, the Oudh and Rohilkhand Railway rate is Rs. 0-5-0, while from Chandausi to Delhi, a distance of only 126 miles (*i. e.*, nearly half only), the rate is Rs. 0-6-7 or over 14 annas more than the rate for Cawnpore for carrying nearly double distance. When we come to this Council and put before it specific instances, with proofs, we do not ask Government to take our figures on our word, but we, ask them to make an inquiry, to satisfy themselves about our grievances and then change the policy. The Government says, 'it is no use making an inquiry; you must approach the Railway Company direct and see what they do for you, and they will do what is good for you.' This is most disappointing. Mr. President, I will now refer to only one point. The usual argument, when you do not want to do a thing, is to say that there is no suitable man available for our purposes. Sir, only this morning you gave with just pride figures of our exports and imports which came to hundred of millions; and there must be commercial men who must be dealing with such large merchandise. After 100 years of British rule, to say that in India there is not one man who can advise on commercial matter is not a compliment to the British Government. This is all that I can say. When we wanted a member for the Imperial Council, it was said, there was no suitable man for that. We have got one now. I think our Chairman of the Bombay Chamber of Commerce will undertake to give you a man if you decide to have a man. Well, Sir, I am very sorry for the attitude taken up by the Hon'ble Chairman of the Railway

Board in this matter, and I must must press this proposition to the vote. Our grievances are great."

The Council divided :

Ayes—20.

The Hon'ble Pandit M. M. Malaviya, the Hon'ble Nawab Abdul Majid, the Hon'ble Raja of Partabgarh, the Hon'ble Raja of Dighapatia, the Hon'ble Babu Bhupendranath Basu, the Hon'ble Mr. Sachchidananda Sinha, the Hon'ble Mr. Haque, the Hon'ble Raja of Kurupam, the Hon'ble Mr. Gokhale, the Hon'ble Mr. Mudholkar, the Hon'ble Mr. Madge, the Hon'ble Sir G. M. Chitnavis, the Hon'ble Mr. Dadabhoy, the Hon'ble Mr. Shafi, the Hon'ble Khan Zulfikar Ali Khan, the Hon'ble Malik Umar Hyat Khan, the Hon'ble Maung Mye, the Hon'ble Mr. Jinnah, the Hon'ble Mr. Bhurgri, and the Hon'ble Sir Vithaldas D. Thackersey.

Noes—33.

His Honour the Lieutenant-Governor of Bengal, the Hon'ble Sir Robert Carlyle, the Hon'ble Sir Harcourt Butler, the Hon'ble Mr. Syed Ali Imam, the Hon'ble Mr. Clark, the Hon'ble Sir Reginald Craddock, the Hon'ble Mr. MacLagan, the Hon'ble Mr. Porter, the Hon'ble Mr. Sharp, the Hon'ble Mr. Enthoven, the Hon'ble Mr. Wheeler, the Hon'ble Mr. Brunyate, the Hon'ble Sir A. H. McMahon, the Hon'ble Mr. Lyon, the Hon'ble Mr. Saunders, the Hon'ble Sir James Meston, the Hon'ble Mr. Gordon, the Hon'ble Mr. Todhunter, the Hon'ble Surgeon General Sir C. P. Lukis, the Hon'ble Mr. Fremantle, the Hon'ble Mr. Vincent, the Hon'ble Mr. Carr, the Hon'ble Mr. Arthur, the Hon'ble Mr. Fyffe, the Hon'ble Mr. Phillips, the Hon'ble Mr. Meredith, the Hon'ble Mr. Gates, the Hon'ble Mr. Slacke, the Hon'ble Sir Charles Stewart-Wilson, the Hon'ble Mr. Dempster, the Hon'ble Sir T. R. Wynne, the Hon'ble Mr. Kenrick, and the Hon'ble Mr. Kesteven.

So the Resolution was rejected.

ADJOURNMENT OF COUNCIL.

The President: "The Council will adjourn till Monday, March the 4th, at 11 o'clock, when Mr. Gokhale's motion on indentured labour will be taken, and I understand that it is expected to complete the discussion on it by the usual mid-day adjournment."

CALCUTTA ;
The 12th March 1912. }

W. H. VINCENT,
Secretary to the Government of India,
Legislative Department.

APPENDIX NO. I.

Statement showing the total number of criminal cases instituted in the High Court, Appellate Side, during each of the five years 1906-1910, and the number, out of those so instituted, which came up from the Patna, Tirhut, Bhagalpur, Chota Nagpur and Orissa Divisions.

Year.	TOTAL NUMBER INSTITUTED.			NUMBER, OUT OF COLUMNS 2, 3 AND 4, WHICH CAME UP FROM THE DIVISIONS MENTIONED ABOVE.			REMARKS.
	Appeals.	References.	Revisions.	Appeals.	References.	Revisions.	
1	2	3	4	5	6	7	8
1906 . . .	1,125	106	1,731	367	22	558	The figures of Darjeeling are omitted from Columns 5, 6 and 7.
1907 . . .	1,001	91	1,901	341	23	574	
1908 . . .	1,045	98	1,842	377	18	637	
1909 . . .	1,065	113	1,931	356	24	677	
1910 . . .	1,087	86	2,075	300	16	609	

Statement showing the total number of civil cases instituted in the High Court, Appellate Side, during each of the five years 1906-1910, and the number, out of those so instituted, which came up from the Patna, Tirhut, Bhagalpur, Chota Nagpur and Orissa Divisions.

Year.	TOTAL NUMBER INSTITUTED.			NUMBER OUT OF THOSE SHOWN IN COLUMNS 2, 3 AND 4, WHICH CAME FROM THE DIVISIONS MENTIONED ABOVE.			REMARKS.
	Appeals from Original decrees.	Appeals from Appellate decrees.	Appeals from Orders.	Appeals from Original decrees.	Appeals from Appellate decrees.	Appeals from Orders.	
1	2	3	4	5	6	7	8
1906 . . .	499	2,499	558	215	846	236	The figures of Darjeeling are omitted from Columns 5, 6 and 7.
1907 . . .	537	2,885	563	262	943	230	
1908 . . .	672	2,972	672	361	982	288	
1909 . . .	603	3,338	603	218	958	250	
1910 . . .	595	4,329	619	295	1,167	252	

APPENDIX NO. II.

Statement showing the economies effected or proposed to be effected in the different Departments of the Government of India.

HOME DEPARTMENT.

On the basis of the figures for 1910-11, the Home Department controls directly an expenditure of approximately Rs. 88 lakhs. Of this roughly Rs. 17,57,000 and Rs. 2,83,000 are on account of convict charges at Port Blair and the Central Criminal Investigation Department respectively, and the possibility of economies in these directions is still under consideration. The remaining items have been passed under review, and no saving has hitherto been found possible. The total includes the expenditure on the administration of Coorg (Rs. 1,74,000), the Home Department establishment (Rs. 4,28,000), the Imperial Legislative Council (Rs. 2,25,000), the Administrator General of Bengal (Rs. 1,05,000), the Director General, Indian Medical Service, and his establishment (Rs. 1,10,000), and grants for medical purposes, including the X-Ray Institute (Rs. 2,00,000).

H. WHEELER,
Secretary.

EDUCATION DEPARTMENT.

The total budget estimates of all branches of the Education Department amount to Rs. 13,89,926. It has not been found possible to effect any substantial economy.

L. O. PORTER,
Secretary.

PUBLIC WORKS DEPARTMENT.

This Department controls the *Imperial* expenditure under the following heads—

- (40) Productive Irrigation Works;
- (35) Protective Irrigation Works;
- (42) Major Irrigation Works—working expenses;
- (43) Minor Irrigation Works;
- and

- (45) Civil Works in charge of Public Works Officers.

2. There is no question of any reduction being made under the Irrigation heads of expenditure. On the contrary, we are constantly being urged to expend more money on irrigation works, and we are endeavouring to do so as far as possible.

3. In regard to Civil Works, after examining the demands we are attempting for next year to work down to a reduced grant of *Rs. 75.80 against an existing grant for the current year of Rs. 87.16 lakhs and an average expenditure for the previous 5 years of Rs. 81.55 lakhs.

*Excluding 1 lakh for archaeological works, the grant for which will be given to Provincial Governments during the year.

Whether we can do so will depend upon the demands of the various departments for new buildings. The Post Office, Telegraphs, and Customs are unable to develop their operations without calling for the construction of further new buildings, and there may be special demands from the Education Department for the construction of new schools and colleges.

W. B. GORDON,
Secretary.

DEPARTMENT OF REVENUE AND AGRICULTURE.

The expenditure of the various Imperial Departments under the control of this Department was carefully examined last summer, with the result that we hope to effect a saving of over a lakh of rupees, chiefly under the following heads, viz., (a) reductions in the Secretariat and retention of the bulk of the Office at Simla; (b) the abolition of the separate appointment and establishment of the Inspector General of Agriculture and general reductions in the Pusa College, (c) the reduction of the office and establishment of the Inspector General, Civil Veterinary Department. In the Survey Department the progressive increase contemplated by the recent reorganisation has been checked by short recruitment, and certain changes in the scales of Survey and Mapping are under contemplation from which an ultimate saving of about a crore of rupees is expected.

E. D. MACLAGAN,
Secretary.

RAILWAY DEPARTMENT—RAILWAY BOARD.

A reduction $\frac{4}{5}$ per cent. has been made in the proportion borne by working expenses on the Railways to gross receipts for 1911-12 as compared with that for the year 1910-11.

It should, however, be explained that the working expenses of a railway consist of two very distinct classes of expenditure. The first class includes the establishments, maintenance and actual cost of running the train service, and the other is the share which working expenses have to bear in renewals, of permanent-way, girders, and rolling stock of improved types, and the Revenue share of the provision of facilities to enable a Railway to deal with more traffic and in a more expeditious manner.

It follows that in years of bad trade the percentage of working expenses to receipts must increase, as those which fall under the first head mentioned above cannot be temporarily reduced in proportion to the decrease in earnings, while expenditure under the second head cannot be postponed indefinitely without grave risk of railways being unprepared for the increase in traffic when trade recovers, since improvements in Railway facilities and renewals require time to carry into effect.

T. R. WYNNE,
President, Railway Board.

DEPARTMENT OF COMMERCE AND INDUSTRY.

Economies proposed to be effected in 1912-13.

	Rs.
Post Office	1½ lakhs.
Stationery and Printing	2½ lakhs.
Geological Survey	½ lakh.
Northern India Salt Revenue	35,000.

R. E. ENTHOVEN,
Secretary.

ARMY DEPARTMENT.

The present standard of military expenditure has been subjected to close examination in every branch during the current year, in the first instance by

the Heads of Departments at Army Head-Quarters, and afterwards by an informal Committee over which the present Chief of the General Staff presided. The recommendations framed by His Excellency the Commander-in-Chief on the reports of these authorities have been considered by Government, and the budget about to be placed before the Council will take account of Rs. 28½ lakhs of permanent economies, or temporary avoidance of expenditure, directly resulting from this enquiry, while other important recommendations are still under consideration. A further outcome of this scrutiny of military expenditure is the decision, already announced, to convene a Committee under the presidency of Field Marshal Sir William Nicholson, Chief of the Imperial General Staff.

In the meantime the marine expenditure of the Government of India has been investigated by a strong Committee under the presidency of His Excellency the Naval Commander-in-Chief, East Indies.

The report of this Committee is now awaited by Government.

M. H. S. GROVER,

Secretary.

FOREIGN DEPARTMENT.

Prior to the assurance given by the Hon'ble the Finance Member the expenditure for which the Foreign Department are responsible had been subjected to close scrutiny with the result that during the past three years reductions of recurring expenditure amounting to 2½ lakhs have been effected; of this sum 1½ lakhs represents a direct saving to Indian revenues. It is probable that further savings amounting to over ½ lakh will be effected in the next financial year.

A. H. McMAHON,

Secretary.

LEGISLATIVE DEPARTMENT.

The Legislative Department does not control any subordinate Imperial Departments. No reduction in its present standard of expenditure was found possible as the work of the Department is increasing year by year.

W. H. VINCENT,

Secretary.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA
ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS
UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 TO
1909 (24 & 25 VICT., c. 67, 55 & 56 VICT., c. 14, AND 6 EDW. VII, c. 4)

The Council met at Government House, Calcutta, on Monday, the 4th
March 1912.

PRESENT:

The Hon'ble SIE GUY FLEETWOOD WILSON, G.C.I.E., K.C.B., K.C.M.G., Vice-
President, *presiding*, and 55 Members, of whom 49 were Additional Members.

INDENTURED LABOUR.

The Hon'ble Mr. Gokhale: "Sir, I rise to move that this Council recommends to the Governor General in Council that the Government of India should now take the necessary steps to prohibit the recruitment of Indian labourers under contract of indenture, whether for employment at home or in any British Colony.

"Hon'ble Members will remember that two years ago this Council adopted a Resolution recommending that the Governor General should obtain powers to prohibit the recruitment of indentured labour in this country for the Colony of Natal. The Government, who accepted that recommendation, gave effect to it by carrying through this Council the necessary empowering legislation, and the new law was put into operation on the 1st July last against Natal. I respectfully invite the Council today to go a step further and recommend that the system of indentured labour should now be abolished altogether. It is true that the Resolution of two years ago was adopted by this Council principally as a measure of retaliation rendered necessary by the continued indignities and ill-treatment to which our countrymen were subjected in South Africa; but my own view, expressed even then in this Council, was that apart from the question of retaliation the system should be abolished because it was wrong in itself. I do not think it necessary to describe to this Council at any length what this system really is. Its principal features may roughly be stated to be six in number. Under this system, those who are recruited bind themselves, first, to go to a distant and unknown land, the language, usages and customs of which they do not know, and where they have no friends or relatives. Secondly, they

bind themselves to work there for any employer to whom they may be allotted, whom they do not know and who does not know them, and in whose choice they have no voice. Thirdly, they bind themselves to live there on the estate of the employer, must not go anywhere without a special permit, and must do whatever tasks are assigned to them, no matter how irksome those tasks may be. Fourthly, the binding is for a certain fixed period, usually five years, during which time they cannot voluntarily withdraw from the contract and have no means of escaping from its hardships, however intolerable. Fifthly, they bind themselves to work during the period for a fixed wage, which invariably is lower, and in some cases very much lower, than the wage paid to free labour around them. And sixthly, and lastly, and this to my mind is the worst feature of the system, they are placed under a special law, never explained to them before they left the country, which is in a language which they do not understand, and which imposes on them a criminal liability for the most trivial breaches of the contract, in place of the civil liability which usually attaches to such breaches. Thus they are liable under this law to imprisonment with hard labour, which may extend to two and in some cases to three months, not only for fraud, not only for deception, but for negligence, for carelessness and—will the Council believe it?—for even an impertinent word or gesture to the manager or his overseers. These, Sir, are the principal features of the system, and when it is remembered that the victims of the system—I can call them by no other name—are generally simple, ignorant, illiterate, resourceless people belonging to the poorest classes of this country and that they are induced to enter—or it would be more correct to say are entrapped into entering—into these agreements by the unscrupulous representations of wily professional recruiters, who are paid so much per head for the labour they supply and whose interest in them ceases the moment they are handed to the emigration agents, no fair-minded man will, I think, hesitate to say that the system is a monstrous system, iniquitous in itself, based on fraud and maintained by force, nor will he, I think, demur to the statement that a system so wholly opposed to modern sentiments of justice and humanity is a grave blot on the civilization of any country that tolerates it. Let the Council glance briefly at the origin and the history of the system, and it will at once be struck by three facts which in themselves are a sufficient condemnation of the system. The first is, that this system of indentured labour came into existence to take the place of slave labour after the abolition of slavery. This is a fact admitted by everybody, and Lord Sanderson's Committee, whose report I have before me, put it in the very fore-front of its report. The second fact is that it is a system under which even the negro, only just then emancipated, scorned to come, but under which the free people of this country were placed. And thirdly what strikes one is that the conscience of Government—and by Government I mean both the Government of India and the Imperial Government—has been very uneasy throughout about this question, as may be seen from various inquiries ordered from time to time into the working of the system, its repeated suspension for abuses, and its reluctant resumption under pressure from planters. The first, and in some respects the most important, inquiry that was held was due to the action that the Parliament in England took at the very start in this matter. As I have already mentioned, the system came into existence about the year 1834, after the abolition of slavery. In 1837 the matter attracted the attention of Parliament, and in the debate on the question that followed the system was denounced in strong terms by Lord Brougham and Mr. Buxton, and other great Englishmen of that time. The result was that the system was discontinued at once and an inquiry was ordered into its nature and working. A Committee of four gentlemen was appointed, who sat in Calcutta and considered the whole subject. The Committee, after a very careful investigation, submitted a majority and a minority report. Three members out of four condemned the system altogether, and urged that it should not be allowed to come into existence again. Only one member expressed himself in favour of reviving the system under certain safeguards which he suggested. The matter went back to Parliament; but the Parliament, already exhausted by the great effort that it had made in connexion with the abolition of slavery and wearied by the constant wail of planters in regard

to the ruin that was threatening them, ultimately followed in this case a somewhat extraordinary procedure and adopted the minority report of one member, as against the majority report of three members. And this was done in a very thin House, only about 150 members being present. As a result of this vote, the system was allowed to be revived in the year 1842. The conscience of the Government, however, has continued troubled, and there have been, since then, numerous other inquiries into the working of the system, resulting in its temporary suspension, followed unfortunately by its resumption again owing to the influence of the planters. I will give the Council a few instances. In Mauritius the system was introduced in 1834, was suspended in 1837 on account of the debate in Parliament, to which I have already referred, and was resumed in 1842, after that vote in the House of Commons. It was, however, suspended again in 1844, was resumed in 1849, and was finally stopped last year; at any rate, there is no more any indentured immigration into Mauritius. In British Guiana, the system was suspended in 1838 under the action of the House of Commons, it was resumed in 1844, was suspended again in 1848, and was resumed in 1858. In Trinidad, where it began in 1844, that is, after the Parliamentary action I have spoken of, it was suspended in 1848 and was resumed in 1851. In Jamaica it began in 1845, was suspended in 1848, resumed in 1860, suspended again in 1863, resumed in 1869, suspended once more in 1876 and was resumed in 1878. I am omitting the later suspensions and resumptions which were due to indentured labour not being temporarily required by the Colony. In Natal, the system began in 1860, it was suspended in 1869 and was resumed in 1872. Even in Assam, where the system was introduced in 1859, there were inquiries held in 1861, 1868, 1881 and 1895. I have not included in this list the last inquiry of 1906, because it was not undertaken to inquire into the abuses of the system. Now, Sir, these facts clearly show that the Government has been torn throughout between two sets of considerations—one, a natural feeling of sympathy for the material interests of the white planters, and the other a regard for the humanitarian standards of administration which characterise all modern Governments.

"I have so far dealt with facts connected with this question that lie on the surface. I will now deal in greater detail with the principal objections to the system, and I will then say a word about the arguments used in its favour by its supporters. The principal objections to the system are roughly five. The first is naturally its utter inequity. Sir, whatever view one may take of the agreements into which these poor people are made to enter under the system, to dignify them by the name of 'fair contract' is to misuse the English language. For the stream is poisoned at its very source. It is significant that nobody has a good word to say for the professional recruiters who entrap and entice away these poor people. The recruiters are admittedly men who are generally ignorant and unscrupulous, and who, with the exception of perhaps a very few, have never been to the Colonies for which they recruit, and who, being paid so much per head, try by hook or by crook to get into their meshes as many persons as they can. The Government of India stand aside on the plea that it is a fair contract between the emigrant and his future employer! Sir, how can a contract be called a fair contract, the two parties to which are most unequally matched? How can it be a fair contract when one party to it is absolutely in a state of ignorance and helplessness, and the other party—the powerful party—takes care that it shall not know how much of it is undertaking to abide by. Take, for instance, the penal nature of the contract. The terms that are explained to the emigrants, when they enter into indenture, never include a statement of the penal nature of the law under which they have to live. Here, in volume III of the Sanderson Committee's report the Council will find the agreements for the different Colonies reproduced. There is not a word here about the penal liabilities thrown on the poor creatures by the special laws under which they must live in the several Colonies. If this single fact is explained to them before they agree to emigrate, namely, that they would be placed in the Colonies not under the ordinary civil law for the enforcement of the contract but under a special penal law rendering them liable to imprisonment with hard labour even for trivial faults, I should like to see how many even of such ignorant, resource-

less people agree to go to these distant places. I say, therefore, that the stream is poisoned at the source ; that it is not a fair contract ; that it is a contract between two parties that are absolutely unequally matched, a contract vitiated by the fact that most important facts in connection with it are kept from the knowledge of one party.

" In this country, Sir, the Government have from time to time enacted laws for the special protection of the peasantry. In the Bombay Presidency, for instance, we have the Dekkhan Agriculturists' Relief Act. In the Punjab some time ago legislation was passed restricting the right of the agriculturist to alienate land. The theory that underlies such legislation is that persons who are ignorant and resourceless, do not stand on terms of equality with those who are well to do and who possess knowledge, and that a contract between two such parties is not necessarily a fair contract. The State, therefore, has a right to look into such contracts carefully, to go behind them, so to say, for the purpose, and then decide how far they should be enforced. If this is the case where only civil liability attaches to contracts, how how much more should that be the case where penal liability is thrown on one party—and that the weaker party—under the contract? I therefore say that this system is altogether iniquitous. The apologists of the system, however, urge that there are safeguards provided, to prevent hardship and injustice to the emigrants when they go to their respective colonies ; two such safeguards are specially mentioned ; one is that in every colony there is an officer known as the Protector of Emigrants, specially to look after the interests of indentured immigrants. And secondly, there are the Magistrates to give the protection of the law to the immigrants against any cruelty that may be practised on them by their employers. Sir, these safeguards look all right on paper ; in actual practice, however, both are found to be more or less illusory. These men—the Protectors and the Magistrates—are officers of the Colonial Governments. They belong to the same class to which the planters belong. They are generally one in sympathies and in interests with the planters ; and it is not in ordinary human nature that they should care to displease those with whom they have to live, with whom they have to mix socially,—and all this for granting protection to the poor, ignorant people from a distant land, in whom their interest is purely official. Sir, if the Council has any doubt in the matter, let it turn to the evidence that is contained in the second volume of the Sanderson Committee's Report. I invite the Council to go through the evidence of a Protector named Commander Coombes ; I must also ask you to read the evidence of another witness who had once been a Protector, named Mr. Hill ; and I lastly ask you to go through the evidence of a Magistrate from Mauritius, a gentleman named Mr. Bateson. Commander Coombes was Protector of Immigrants in Trinidad in the West Indies ; Mr. Hill was a Protector in the Straits Settlements, that is, on this side nearer home ; and Mr. Bateson was a Magistrate in Mauritius. Of the three witnesses, Commander Coombes is frankly a friend of the planters ; he makes no secret of the fact that he is there nominally as a Protector of the immigrants, but really to see that they do the work for which they are taken to the colony. It comes out in the cross-examination of this gentleman that he is himself a planter, and one can easily see where his sympathies must be on account of his position as a planter. Of course he takes care to say that he himself does not employ indentured labour, but he is obviously very much alive to the difficulties of the planters in that place. This gentleman uses the word 'we' when he has occasion to speak of the planters. Thus in explaining how he deals with coolies, who complain that they cannot do the work, he says : 'We send for them, and we tell them that they have been brought to this colony for doing their work ; and if they do not choose to do so, they will have to do work for Government for nothing in jail ; and it is left for them to choose either the one or the other !' The whole evidence of this witness shows an attitude of complete identification with the interests of the planters and of hostility to the interests of the immigrants, and it is an irony that he should have the title of Protector of Immigrants. The other Protector I have mentioned, Mr. Hill, is of another type altogether—a very

rare type, but a type that does honour to the English name. In spite of the fact that socially and in other ways his life was bound up with that of the community in whose midst he was placed, he stood up boldly in defence of the interests of the immigrants and thereby incurred the serious displeasure of the planters. And what was the result? He was removed from his office before his term had expired. He found that the mortality among the indentured population in the Straits Settlements in his time was very high, and he drew the attention of the planters to that and insisted on their carrying out strictly the terms of the ordinances concerning the health of indentured labourers. The answer of the planters was to remove him from his office, and to appoint another in his place, even before the expiry of the time for which his appointment was made. And because he was a strong man, who would not take such treatment lying down, the Colony had to pay him £2,500, being his salary for the unexpired period for which he should have held office. They paid him the full salary for the unexpired period, because they thought that that was a smaller evil to them than his being there to protect the interests of the immigrants. The third witness, to whose evidence I call the attention of the Council, is a Magistrate from Mauritius—Mr. Bateson. I have already told you how these poor creatures are liable to be punished with hard labour for the most trivial faults—even for an impertinent word or for an impertinent gesture. Mr. Bateson speaks out strongly against this. It is impossible for me with the limited time at my disposal to read to the Council any portions of this important evidence, but I must ask Hon'ble Members to mark specially two or three of Mr. Bateson's statements. In one place, he says, 'the system resolved itself into this—that I was merely a machine for sending people to prison.' In another place he says, 'there is absolutely no chance of the coolie being able to produce any evidence in his own favour; the other coolies are afraid to give evidence; they have to work under the very employer against whom they may be called upon to give evidence.' He says that even if a coolie came before him with marks of physical violence on his body, it was practically impossible to convict the person charged with assault for want of corroborative evidence. Then he says, 'it was a most painful sight to him to see people handcuffed and marched to prison in batches for the most trivial faults.' Well, I do not wish to dwell at greater length on this evidence; but those who will go through it will know what value to attach to the statement that the presence of the Magistrate in these Colonies is a safeguard to the coolie against ill-treatment. So much then about the illusory nature of the safeguards. My third objection to this system is the vast and terrible amount of suffering that it has caused during the 75 years that it has been in existence. Sir, it is difficult to speak in terms of due restraint on this point. Even the hardest heart must melt to think of this phase of the question. I will not speak now of the imprisonments with hard labour endured for trivial faults; I will not speak of personal violence which in some cases has been proved and very many cases could not be proved, though alleged. I will not speak of the bitterness engendered in the minds of thousands when they realised that they had been deceived, that they had been entrapped, and that there was no escape for them. I will not speak of the homesick feeling, destroying their interest in life. These are all serious matters that could be charged against the system. But more serious even than these is the heavy mortality that has prevailed in the past in all colonies under the system, a mortality which has been examined from time to time by Commissions of Inquiry and which has been established beyond doubt—a mortality for which indentured emigration was prohibited to Federated Malay States only last year, and which even to-day is admitted to exist in certain districts of Assam amongst the statute labourers. Then the numerous suicides which have resulted from the system—poor, innocent people preferring death with their own hands to life under it—are a ghastly feature of the system. And, Sir, last, but not least, the unutterable tragedy and pathos of men and women, at a distance of thousands of miles from their homes, knowing full well that the vast sea rolled between them and their native country, starting actually to *walk* back to their country, imagining in their simplicity and ignorance that there must be a land route somewhere, and either caught on their way and forcibly taken back to the life from which they were

fleeing or else devoured by wild beasts or perishing of hunger and cold ; all this, Sir, constituted a sum total of human misery which is appalling to contemplate, and which will be a standing witness against the system for all time. It is true that things are somewhat better now, but they cannot be very much better under a system which has inherent characteristics such as those that I have described. Moreover, as Lord Curzon said in this Council in 1901, 'even if such cases have occurred only in a few instances, the very fact that such cases can occur under the system constitutes a severe condemnation of the system.'

"Sir, my fourth objection to the system is the frightful immorality that is inseparable from it. This is a fact which has been admitted by everybody, among others by the Government of India and by the Sanderson Committee. The Committee, who deal with all other phases of the indenture question, carefully avoid making any recommendation as to how the frightful immorality involved in the system may be remedied. Under the law, every hundred male indentured labourers must be accompanied by 40 females. Now very few respectable women can be got to go these long distances; our men themselves do not really care to go, much less do the women. The statutory number, therefore, is made up by the recruiters, and, as admitted by the Government of India in one of their despatches to the Secretary of State, by including in it women of admittedly loose morals, with results in the colonies which one had better leave to the imagination of the Council than describe. Sir, this frightful immorality has characterized the system from the very first. As Mr. Jenkins, who was afterwards first Agent General of Canada, said in 1870, 'the women are not recruited for any special work, and they certainly are not taken there for ornamental purposes.' He also speaks of the immoral relations existing not only between many of these women and the men for whom they are taken from this country, but also between them and some of the planters themselves and their overseers. It is a shocking affair altogether, a considerable part of the population in some of these colonies being practically illegitimate in its origin.

"My last objection to the system is that it is degrading to the people of India from a national point of view. I do not think I need really say much on this aspect of the question. Wherever the system exists, there the Indians are only known as coolies, no matter what their position may be. Now, Sir, there are disabilities enough in all conscience attaching to our position in this country. And I ask, why must this additional brand be put upon our brow before the rest of the civilized world? I am sure, if only the Government will exercise a little imagination and realise our feeling in the matter, it will see the necessity of abolishing the system as soon as possible.

"I will now turn for a moment to the arguments which are usually adduced in favour of this system. Briefly they are three. First of all it is said that without this system of indentured labour, the sugar and other industries in many of the colonies will cease to exist; the second argument is that, under the system of indenture, a certain number of Indians make remittances to this country and thus a certain amount of money is received here; and thirdly, that a number of these men, after completing their indenture, settle down in the colonies, become prosperous and attain a status which they could never attain in this country. Now, Sir, so far as the first argument is concerned, I may brush it aside at once; it does not concern us nor does it concern the Government of India, who are here to promote *our* interests. If the planters cannot carry on their sugar or other industries without a continuance of this pernicious system, the sooner those industries cease to exist, the better. As regards the remittances made, or the amounts brought to this country by returned emigrants, considering that these people have been for five years under indenture, the savings are really very small. The average savings brought to India are about R150 per head; in a few cases, the amount may be higher, R200 or so, but the average is about R150. Now R150, saved in five years, means only R30 a year or R2-8 a month. This is not very much after all. The mill-hands in Bombay, for instance, can save much more than that. Again, what about those who save nothing, are broken down in health and spirits, and either perish in the colonies or else are sent back to this country, mere wrecks of their former selves? Finally as regards

those who settled down in the Colonies and prosper in the first place, the number of such persons is very small; and secondly, even they have to go through a system with which are associated all the degradation and misery of which I have spoken. When these things are considered, it must be admitted that even if a few persons prosper under that system after the completion of their indenture, the price that has to be paid for such prosperity is far too great.

"Sir, I will now briefly refer to the extent of this evil, as it exists at the present moment. I will not deal with the case of those colonies where indentured labour once flourished but has now been stopped. In four French colonies and one English colony, it has been stopped on account of abuses; in one English colony it has been discontinued for economic reasons, and in another it has been prohibited as a measure of retaliation. But the system still prevails in three British colonies in the West Indies, namely, British Guiana, Trinidad and Jamaica, and in one Dutch colony named Surinam, about which, however, under our rules I am precluded from saying anything. Then it exists in Fiji, a Crown colony in Australasia; there is also a small supply of indentured labour to the Straits Settlements; and last, there are four or five districts in the Upper Valley of Assam where the system is still in force. The annual supply to the different colonies comes to a little less than 2,000 in the case of Fiji; about 600 to Jamaica; and nearly 3,000 to Trinidad; and about 2,200 to British Guiana. In Assam the whole labour force is about 800,000, of which the indentured labourers are now only about 20,000. Now taking Assam first,—and here I would like to express my obligations to the Hon'ble Mr. Clark for his courtesy in having a note on the subject specially drawn up for me in his office, giving me up to date information on the subject—I understand that the Government have decided to stop the system of indenture altogether there from next year. The Hon'ble Sir Charles Bayley stated the other day in one of his speeches in East Bengal that, from July 1st of next year, this system would cease to exist in Assam. Probably the Hon'ble Member in charge of the Department of Commerce and Industry will also make a statement on the subject to-day. As the system will be discontinued from next year in Assam, I do not wish to say anything more about that here. I would, however, like to point out that the Committee, appointed in 1906, recommended the complete stoppage of indentured labour in Assam in the course of five years. They would have liked to stop it earlier, but they did not want to inconvenience the planters, and therefore they suggested an interval of five years. According to that, the system should have been discontinued in 1911. And I should like to know why it has been allowed to go on for two years more. That is, however, comparatively a small matter. But, Sir, if the Government has decided to stop the system in Assam, where its working can be watched under its own eyes, I cannot see why it should be allowed to continue in the case of distant colonies, where there can be no such supervision. The position of those who urge the abolition of the system becomes now all the stronger on account of the Government contemplating its abolition in Assam.

"Then, Sir, there is the question of re-indenture in three colonies—in Natal, to which indentured emigration has now been prohibited, in Mauritius, where it has stopped of itself owing to economic causes, and in Fiji, where it is still allowed to continue. This re-indenture is one of the most vicious parts of the system, because though a man may indenture himself at the start only for five years, by means of repeated re-indenture he could be kept in a state of perpetual servitude. And this has become a most serious question now in Natal. There the Government of the colony imposes an annual £3 tax on all ex-indentured labourers who want to settle there as free persons. All those who have been emancipated since 1901—males about 16, and females above 13—have to pay this £3 tax. Now see how it works in practice. Take a family of husband and wife and four children—two daughters of 13 and 15, and two boys below 13. The family must pay the tax for four persons—father, mother and the two daughters—or £12 a year, that is, £1 a month. The man can earn an average wage of about 25 shillings a month, and the wife and the two girls may earn among them about 15 shillings extra, that is, which means a total

income of 40 shillings or £2 a month for the family. Of this, half or £1 has to be paid as license-tax. Then there are other taxes; and there is house-rent. The Council may judge how much can remain after deducting these expenses for food and clothing for six persons. Is it any wonder that this tax has broken up homes—as has been admitted by prominent Natal men—that it has driven men to crime and women to a life of shame? Sir, there is no doubt whatever that the tax is nothing less than a diabolical device to drive the poor Indians either into re-indenture or else out of the colony. It is, therefore, a matter of the utmost importance that the Government should take the earliest possible steps to bring this miserable system of re-indenture to an end. I may mention that the Sanderson Committee has strongly recommended the stoppage of re-indenture.

“One word more, Sir, and I will bring my remarks to a close. Sir, this is a question which really throws a great responsibility upon the Government. I am aware that the Government of India have from time to time taken up the position that they maintain an attitude of neutrality in this matter, that they do not themselves encourage indentured emigration, but that if people choose to accept certain terms and go, it is not for them to interfere. I would only ask the Council to contrast this attitude with the attitude which the Government have adopted in regard to the peasantry of the country, in legislating on lines to which I have already referred. I do not think that the Government can absolve themselves from their responsibility in this manner. In the first place, the recruiters are granted licenses to recruit by District Magistrates. That, in itself, imposes a responsibility upon the Government, because, by granting licenses to these persons, the Government make themselves to a certain extent responsible for the representations by which these men secure recruits. Then the Magistrates, before whom the poor emigrants are taken and made to enter into agreements, are the servants of Government. The third and last point is that, though the fact about the penal nature of the contract has been carefully kept out of all agreements all these years, the Government have so far taken no steps whatever to remedy this. I would like to know from the Hon'ble Member, when he rises to reply, why this has happened, and how the Government explain their inaction in the matter. If a penal liability is not necessary to the system, I shall gladly withdraw the greater part of my objection to the system. If you are prepared to abolish the penal nature of the contract under which these labourers have to work, the rest would be comparatively a very simple question, and I shall not press this motion to a division; but, as I understand it, penal provisions are the very essence of the system; without them the system cannot be worked. If penal liability is thus indispensable, I ask why the Government have not taken steps all these years to see to it that this nature of the contract is explained to the emigrants before they enter into their agreements? Sir, this is really a most serious question, for whatever the Government may say, as a matter of fact, everybody in the country believes that without the countenance of Government, the system could not have gone on so long. India is the only country which supplies indentured labour at the present moment. Why should India be marked out for this degradation? The conscience of our people, unfortunately asleep too long, is now waking up to the enormity of this question, and I have no doubt that it will not rest till it has asserted itself. And I ask the Government not to make the mistake of ignoring a sentiment that is dear to us, namely, the sentiment of our self-respect. We have no doubt plenty of differences between the Government and the people in regard to the internal administration of this country; but those are matters which stand on a different footing. Outside the country, the Government of India must stand for up for us on every occasion; must stand up for our dignity, for our honour, for our national pride. If they will not do this, to whom else can we turn? I feel, Sir, that though this system has been allowed to exist so long, yet its days are really numbered. It will soon cease in Assam, and then it cannot last very much longer in the case of the colonies. And I am confident that a people who have spent millions upon millions in emancipating slaves, will not

long permit their own fellow-subjects to be condemned to a life which, if not one of actual slavery, is at any rate not far removed from it. Sir, I beg to move the Resolution which stands in my name."

The Hon'ble Sir Vithaldas D. Thackersey: "Mr. President, I rise to support the motion moved by my friend the Hon'ble Mr. Gokhale. Only last week the Hon'ble Home Member, in opposing the Bill brought forward by the Hon'ble Mr. Basu, argued that one of the principles on which the Government would act would be that any practice was an outrage upon humanity. I maintain, Sir, that this practice of indentured labour, so graphically described by the Mover, is an outrage upon humanity. Apart from this question, may I ask why this practice is permitted? Would our labourers starve if Government stopped this practice? I say, no. Without being charged with vanity, I may claim to know something about Indian labour. I was a member of the Factory Commission in 1908, and in that capacity I went round along with my colleagues throughout India to see for ourselves at first hand the conditions of labour, their habits, their ideas, and about their home life and their work. We were at work on this special mission practically every day for six or seven hours for seven months; and what did we see? Instead of starving, exhausted, servile workmen, we saw independent, healthy, well-paid workmen. The result of the deliberations of the Factory Commission are recorded in the report issued in 1908, and with your permission, Sir, I will read a few lines from the same. On page 19 the Commission says:—

'The position of the operative has been greatly strengthened by the fact that the supply of factory labour undoubtedly is, and has been, inadequate, and there is, and has been, the keenest competition among employers to secure a full labour supply. These two main causes—the independence of the Indian labourer, owing to the fact that he possesses other and congenial means of earning a livelihood, and the deficient labour supply—govern the whole situation.'

"Then further it goes on to say—

'We have also been impressed with the fact that employers are greatly disposed to concede promptly all reasonable demands made by their workers, and, even where the demands are unreasonable, to treat them as proposals which it is desirable to accede to, if possible. Great nervousness is frequently displayed by employers of labour as to the effect even of trivial changes on the workers; numerous expedients are adopted to conciliate them, and the attitude of the employers throughout appears to be based on the knowledge that the operatives are in fact the masters of the situation.'

"This is the deliberate opinion of the Commission, expressed after due inquiry and seven months of hard work. Well, Sir, this is the position of our Indian labour, and in spite of that the Government of India felt itself justified to interfere, and in this Council brought forward the Bill and carried it through, legalising a maximum of twelve hours for these workmen; and we have to remember that these workmen are free men, free agents, and if the work in the factory was not congenial to them or they find it distasteful, they were quite at liberty to leave the work and go away elsewhere. Then, why should we allow this recruitment, which, according to the description of the Mover, and according to all the facts that we know, is nothing more, nothing less, than practical slavery? It has been said and mentioned also by the Mover of this Resolution that if the penal contract was not allowed, the labourers would not get the work and the colonies would not employ them. My reply is—so much the better for India and for the labourers themselves. India can provide work for all these labourers that are going there, and for more than that. Then he said that they are better paid. They are getting a shilling a day or Rs. 22 a month (Mr. Gokhale tells me the average is Rs. 12 a month). The Factory Commission says on page 22—'That ordinary hands in card and frame departments earn from 7 to 18 rupees, head spinners from Rs. 25 to Rs. 35, mill-hands up to Rs. 16, and weavers from Rs. 18 to Rs. 35 a month'. These are the wages at present paid in India against an average wage of Rs. 12 in the colonies to these indentured labourers. But Sir, even if we grant that these people are slightly better paid, are we to allow people to barter the freedom of our men and women for a few coppers? It has been already said by the Hon'ble Mr. Gokhale that it was the English nation that spent millions and

millions of pounds sterling to eradicate slavery. Now, India is going to sacrifice about 7 to 10 crores of rupees every year out of the opium-revenue, in order to save a foreign nation, the Chinese, from the harm that the use of opium does them. This amount, if capitalised at only $3\frac{1}{2}$ per cent. per annum, would mean about 300 crores of rupees for us. If India can afford to sacrifice such a large amount for the foreign nation, certainly, if need be, it can provide food for the few that are going to our colonies. Then Mr. Gokhale has also said that it is not only the question of hard work to these labourers, but it is a question of dignity to us. When we find nations all over the world pointing out a finger to India as the only country in the world where this practical slavery of their men is tolerated, it boils our blood, if I may be permitted to use the sentence.

"Sir, I would only mention this in conclusion, that it is an irony of fate that we in this Council should have any occasion to approach the Government of India, and through the Government of India the British nation, to abolish this practical slavery—a nation which has, as I have said, spent millions and millions in the past, and a nation that to-day is willing to risk the prosperity, the great hardship to the poor, and the very defence of the country, rather than interfere with the freedom of the coal miners by legalizing them to work and be reasonable. Sir, I think the time has come when the Government of India might accept this proposition, and do away with the practice."

The Hon'ble Mr. Fremantle:—"Sir, I have been appointed to this Council for a special purpose which, with the passing of the Co-operative Credit Societies Act, has now been fulfilled; so I feel that some justification is due for my intervening in the debate to-day. That justification is that I was a member of the Committee which sat, less than three years ago now, to consider the case of the subject of emigration to the Crown Colonies and Protectorates. My interest in the subject of over-seas emigration did not begin with the constitution of that Committee, nor did it end with its dissolution. In the year 1905, I was on special duty inquiring into scarcity of labour, and in the course of that inquiry visited a large number of emigration depôts in Bengal and the United Provinces. In subsequent years, during the course of my tours as Registrar of Co-operative Societies, I have seized every opportunity which availed itself of visiting those depôts again, and I have talked to the coolies assembled there both those who were going to the colonies for the first time and those who had been there before. The Hon'ble Mr. Gokhale made a very passing allusion to the Committee which sat in 1909. I think it should be known that that Committee made very careful inquiries into this particular system of indentures. Among its members were Sir James LaTouche, who is well known as being one of the most sympathetic Lieutenant-Governors who has ever ruled an Indian Province, and Sir George Scott Robertson, a Liberal Member of Parliament, who was not the least inclined, when that Committee began its sittings, to regard the system of indentures in a favourable light. The Committee sat for 71 days, and examined 83 witnesses. Every opportunity was given to the opponents of indentured labour to come forward and say what they had to say. Government went so far as to pay the expenses of Mr. Richards, the Chairman of the Workingmen's Association of Trinidad, to go over to England to give evidence on the Committee. The view put forward by these gentlemen was that Indian emigration should be discouraged on the ground of the competition with native West Indian labour. The Hon'ble Mr. C. P. David, a Member of the Legislative Council of Trinidad, and Mr. Summerbell, a Labour Member of the Imperial Parliament, also put forward a similar view. There was also an Association called the People's Association of British Guiana, which put forward the same view. With these exceptions, no voice was raised before the Committee against this system of indentured emigration. On the other hand, there was a very large body of opinion in its favour. I do not mention the planters and employers of labour, who are naturally prejudiced in such questions. There were, however, many Governors of Provinces of established reputation, some of them men who had retired and given the greater part of their subsequent career to writing on public questions, such as Lord Stanmore, formerly Sir Arthur Gordon, and Sir Charles Bruce, and there were also Sir John Anderson, and Sir Sidney Olivier, the present Governor of Jamaica. Besides these gentlemen, there were

many independent witnesses. The Hon'ble Mr. Gokhale says that the Magistrates who deal with offences against the Immigration Law are prejudiced in the planters' favour. That may be or may not be. Sometimes they are and sometimes they are not. The description certainly does not apply to some of those who appeared before the Committee. One example the Hon'ble Mover has himself given. As regards that example, it is that of Mr. Bateson, a Magistrate from Mauritius: it was discussed I may say by the Committee in paragraph 99 of their report and the Committee were of opinion that he did not take a proper view of his duties, or else he would have been able to do very much more good, as no doubt he wanted to do, to the Indian indentured cooly. Besides these independent witnesses such as Magistrates and doctors, there were also several missionaries who gave evidence, and they could not be considered to be prejudiced. There were also some well-known men. One was Sir Rupert Boyce, who was specially sent out by the Colonial Office to the West Indies to inquire into the prevalence of yellow fever, and he made special inquiries, while there, into the condition of the Indian indentured labourer. There was also a gentleman named Mr. Alleyne Ireland, an American publicist who had spent the greater part of his life in inquiries into political, social and economic questions of that character. All these gentlemen were in favour of the system. The report concerning this says, 'there is a general concurrence of opinion that the system as actually worked, so far from exercising any depressing or debasing influence on the Indian, has in fact encouraged the growth of independence of character;' and it says also that the general effect of the bulk of the evidence was to show the excellence of the arrangements made for the immigrants and the prosperity to which the majority attained after they had become free citizens.

"The Hon'ble Mover has stated that indentured coolies do not get adequate help from the Inspectors of Immigrants, and that the latter were men recruited from the same class as the planters, and in fact in some cases have regarded themselves as planters. Now I think anyone who has studied the subject will admit that in those colonies which have a large number of indentured labourers, such as Trinidad, British Guiana and Fiji—these are the only three which have now a large number—the legal and administrative arrangements made for the benefit of the immigrants are very complete. In each colony there is a Protector of Immigrants, or an Agent-General who is assisted by medical men and also by a staff which consists of 4 Inspectors in British Guiana, 3 in Trinidad and 5 in Fiji, where communications are very difficult. Now it is the sole duty of the Protector and this considerable staff to look after the immigrant population, whether indentured or unindentured; and it is in pursuance of those duties that they are constantly visiting the plantations to see that the immigrants are properly housed and treated and get the wages to which they are entitled. There is also a special provision in the law for a man who wants to leave the estate to make a complaint. Temperaments vary, and some officials are more sympathetic than others when it comes to the point of inquiry into grievances which may be more or less sentimental, but it is quite certain that under the present system no serious abuses can remain unredressed. Sir, no human institution is perfect, and I am not concerned to state that the indenture system is any exception to this rule. No doubt there are defects in it. Several of these defects have in fact been pointed out by the Committee, and they are at present under the consideration of the Colonial Governments concerned. That they are not considered very serious by the people most concerned can perhaps be indicated by the fact which I saw stated in the report of the Protector of Emigrants, Calcutta, that last year no less than 475 coolies who had already been to the colonies re-indentured themselves to serve a further term. The Hon'ble Member drew a picture for us which depicted the artifices of the recruiters and stated that it was not a fair contract because the conditions were not known to the people recruited. Now for that portion of the recruiting district with which I am well acquainted, and which extend from Gonda and

Fyzabad to Basti and Gorakhpur and Benares, I can say that the people there are very well acquainted with the conditions of service in the colonies. As I stated at the beginning of my remarks, I have spoken to a large number of them, and I have never found one who has gone to the colonies without knowing the conditions prevailing there. Each man goes because his own people or relations have been there and knows perfectly well the conditions under which they work."

The Hon'ble Mr. Gokhale : "Including the penal nature of the contract?"

The Hon'ble Mr. Fremantle : "Of course, they know something about the penal nature of the contract : it has not done them any damage."

The Hon'ble Mr. Gokhale : "It is not in the agreement."

The Hon'ble Mr. Fremantle : "They know perfectly well, I maintain, the conditions under which they are going. I do not say that for all the would-be emigrants recruited, but it is true for that very large number of them which comes from the main recruiting districts such as those which I have stated. But surely, as the Committee state in paragraph 100 of their report, the system must, like other systems, be judged by its results, and as to its results, I submit there is very little room for doubt. The statistics we find in the report will prove certain facts, such as that Indians in British Guiana own property averaging £2 per head for each man, woman and child in the community; that in Trinidad in 14 years 70,000 acres of Crown lands have been bought by the Indians; that in Fiji between the years 1898 and 1908 the land held by Indians, whether on leasehold or freehold terms, increased from 6,600 acres to 46,000 acres. 46,000 acres would be 17 acres per head for every man, woman and child in the free community of Fiji. And I think that Indians now in the colonies have some right to be heard on the subject. I do not know how far the Hon'ble Mover has consulted them, but two gentlemen gave evidence before the Committee—two young Indians,—their names were Mr. Francis Edward Muhammad Hussain and Mr. George Fitzpatrick. They were themselves the sons of indentured immigrants who had gone to the colonies under this degrading system which the Hon'ble Mover has painted to us. They were born and educated in the colonies and had come to England at that time for the purpose of being called to the Bar. These two gentlemen, although they pointed out certain defects, as they appeared to them, in the system of indentures, were emphatic in their approval of the continuance of emigration of Indians. Mr. Hussain, for instance, says of the indentured coolie, 'I think they are very well treated,' and when asked whether the mass of the coolies, after having served their indenture, are prosperous, he replied, 'The prosperity of the colony itself is evidence of that.' And Mr. Fitzpatrick, who was specially appointed as the representative of the Indian community to give evidence before the Committee, said clearly that the community he represents are in favour of the continuance of emigration. He further stated in his memorial which he submitted to the Committee as follows : 'The East Indians, after their term of indenture, have proved themselves to be desirable colonists. As agriculturists, they have aided materially in the development of the colonies; they have purchased Crown lands, and have successfully opened up the country; they undertake cane-farming, kitchen-gardening, and on them the colony is largely dependent for vegetables, &c. They become skilled labourers and are employed by the local road boards, municipalities, railways, etc. They and their descendants become proprietors, merchants, shopkeepers, contractors, teachers, etc., all of whom are most loyal and patriotic, thus forming an important factor in the colony.'

"Now, I submit, this hardly fits in with the Hon'ble the Mover's description of the Indian in the colonies as 'always a coolie.' The Hon'ble Sir Vithaldas Thackersey has stated in his remarks that there can be no necessity for helping coolies to go to the colonies when they have such excellent opportunities in the mills and factories. Well, he claimed to be of some authority on the subject of the Indian labour-supply. I think, perhaps, I may claim the same. And if the Hon'ble Member will read the report which I issued in 1905, he will perhaps see some reason why agriculturists do not desire to go and work in those mills

and factories. On the other hand, they are very glad to get agricultural labour even though it may take them some considerable distance from their homes. The wages of agricultural and non-agricultural labour, as every Member of this Council knows, are very different. I have here the Gazetteer of Gonda in Oudh, which was published in the year 1905, and this is what it says about agricultural wages in that district. I may say that this district and the adjoining district of Basti sent to the colonies last year 3,490 men, that is to say, one-third of the total number that went to the colonies from the port of Calcutta. The Gazetteer says, 'the labourer receives either a cash wage of two and a half rupees a month, though the constant complaint of the landlords is that the rate is rising to two annas per diem, with a blanket in winter and perhaps two local maunds of grain at harvest, or else a grain wage of four or five kachcha seers of coarse grain daily. The system of *adwak* labour, so common in the adjoining district of Bahraich, is still well known in Gonda. The *adwak* is a member of the lower castes such as Koris, Chamars or Lunnias, who for a fixed sum of a money, almost invariably required for marriage expenses, binds himself in serfdom to the zamindar until the loan be repaid—a contingency which hardly ever occurs in actual experience. The consideration varies with the necessities of the borrower but rarely exceeds one hundred or is less than twenty rupees. A man in this position receives the ploughman's customary share in the produce, supplemented by contributions from his master, which are converted at the market rate and added to the principal.'

"Only last week I read in the *Statesman* about a class of serf-tenants in the vicinity of Giridih who in return for a loan of from Rs. 20 to Rs. 40 practically sell themselves into perpetual servitude. It is said, indeed, that the position becomes hereditary, the son taking over the burden of his father's debt. Well, that is some indication of the position to which these poor labourers, with their dependants numbering some 46 millions in this Indian Empire, may fall, and I think that a class of men who are exposed to such economic conditions and who are liable to fall into a state of lifelong hopeless servitude will hardly object to a five years' indentureship and to a free life to come; and I think that they will not thank the Hon'ble Mr. Gokhale for the attempt which he is now making to cut away the ladder to becoming proprietors of land and self-respecting citizens of the Empire."

The Hon'ble Mr. Muhammad Shafi: "Sir, I have listened with the closest attention to the speech which has just been delivered by the Hon'ble Mr. Fremantle, and I confess that, in spite of the close attention which I have been able to give to it, the Hon'ble gentleman has failed to convince me that the position taken up by the Hon'ble Mr. Gokhale is not the correct one. The Hon'ble Mr. Gokhale gave a graphic description of the circumstances under which these contracts of indentured labour are entered into. He described the ignorance of the coolies, on the one hand, and all the tricks played by those who have the task of engaging these coolies, on the other. He pointed out that undue advantage is taken of the ignorance of the coolies, and some of the facts most material to the validity of the contract are kept concealed from them. The Hon'ble Mr. Fremantle did not deny the facts as alleged by Mr. Gokhale. In fact, as I understood him, he admitted that the penal laws under which these coolies have, after their emigration to and settlement in these colonies, to live are actually concealed from them at the time these contracts are entered into. Well, as I have understood Mr. Gokhale's position, the main complaint of the Hon'ble Mover was that in concluding these agreements, this, the most vital portion of the whole affair, was actually concealed from these coolies; and the Hon'ble Mr. Fremantle has not been able to deny that. Therefore, it seems to me that the most serious portion of the indictment brought forward by the Hon'ble Mr. Gokhale, so far as this aspect of the question is concerned, remains absolutely unanswered. Then the Hon'ble Mr. Gokhale described in detail the results which these coolies have to face upon their arrival in these colonies, the sort of life they live, and the kind of punishments which are meted out to them upon the most trifling defaults, and even for what is said to be impertinent gesture on their part they receive imprisonment in jail. The Hon'ble Mr. Fremantle in his

reply to the Hon'ble Mr. Gokhale has again left that portion of the indictment absolutely unanswered. The Hon'ble Mr. Gokhale referred to the evidence which had been given by three gentlemen, each one of them representative, as I understand, of the class of persons who had to deal with these coolies in the colonies, and justified his statements upon the authority of the evidence given by these witnesses before the Commission. The Hon'ble Mr. Fremantle did not controvert the facts which were stated by these witnesses, and indulged in what I cannot help regarding as general statements not corroborated by any evidence upon which one could lay one's hands. The Hon'ble Mr. Fremantle pointed out that there were Protectors and Inspectors who looked after the interests of these coolies. Well to my mind, in the first instance, the very necessity of appointing these Protectors shows that there is something against which protection is needed. That is to say, there are causes and circumstances existing in these colonies which necessitated the appointment of these Protectors in order to prevent the coolies who go to the colonies from being maltreated. But the point of the argument of the Hon'ble Mr. Gokhale was that the evidence of one of these Protectors showed that they were Protectors rather of the interests of the planters than of those of the coolies who had to work under these hard circumstances. Well, Sir, the evidence of that Protector, some portions of which were read out by the Hon'ble Mr. Gokhale, remains uncontroverted, and the Hon'ble Mr. Fremantle in his speech has not referred to anything which can take away from the weight of that evidence and render the statements put forward by that witness and by the Hon'ble Mr. Gokhale here to-day as statements not worthy of consideration—aye special consideration—of this Council.

"Sir, when discussing the provisions of the Hon'ble Mr. Basu's Special Marriage Bill, the other day, the Hon'ble the Home Member pointed out that the Government of India does not feel itself justified in undertaking legislation unless two conditions exist—one that there is, on the part of the Indian people in the country, an almost unanimous demand for undertaking that legislation, and the other is that the circumstances resulting from a given state of things constitute an outrage upon humanity. Well, the second argument has already been referred to by the Hon'ble Sir Vithaldas Thackersey. So far as the first condition precedent to undertaking legislation referred to by the Hon'ble the Home Member is concerned, I need only mention that so far as the Indian people in this country are concerned, there is a complete unanimity of opinion in support of the demand which has been made by the Hon'ble Mr. Gokhale in his speech to-day.

"Only yesterday at the meeting of the All-India Moslem League held in the local Town Hall a Resolution was unanimously adopted urging upon the Government the necessity of stopping indentured labour. So far as the Muhammadan community is concerned, therefore, the fact that the Resolution was unanimously adopted by the League at its anniversary is, in itself, conclusive evidence of the fact that the Muhammadan community demands that the recommendation put forward by the Hon'ble Mr. Gokhale in his Resolution moved to-day should be accepted by Government. And, so far as the Hindu community is concerned, not only has the National Congress adopted this Resolution, but the Hindu representatives present here in Council are, I believe, absolutely unanimous in this demand. Therefore, I submit that the two conditions laid down by the Hon'ble the Home Member in reference to legislation of this kind being there, the Government of India ought to accept the recommendation which has been put forward by the Hon'ble Mr. Gokhale in his Resolution to-day, and I have great pleasure in giving my hearty support to that Resolution."

The Hon'ble Sir Gangadhar Rao Chitnavis : "I have great pleasure in supporting the Resolution moved by the Hon'ble Mr. Gokhale."

view, the present system of indenture is undesirable. It is antiquated, and is not required in a world remarkable for its progressive arrangements for inter-communication. I endorse the opinion expressed by the Hon'ble Sir Vithaldas Thackersey about the increasing dearth of labour and the rise in wages in India. I expressed some such views on the subject at Jabalpur in 1905 when presiding over the Provincial Conference there, and the subsequent labour conditions in India have only confirmed those views."

The Hon'ble Mr. Subba Rao: "I may be permitted to express my surprise at the speech delivered by the Hon'ble Mr. Fremantle and the attitude which he has taken towards this question. He has described in rather glowing colours the conditions under which indentured labourers, specially in Trinidad, live. He says that there is practically no cause of complaint with regard to the way in which labour is recruited and the way in which labourers are treated in the colonies, and he wants us to believe that there is no debasing or degrading influence upon the people concerned, and that there is no complaint coming from the parties who are chiefly subject to this system. I may say at once that he has lost sight of one important consideration in this matter. We may concede all that he has stated; we may even hold with him that what the Hon'ble Mr. Gokhale has described is not correct. The question still remains: how does this indentured system affect the country at large? Has it a debasing and degrading influence upon India in the estimation of the outside nations? What is the attitude of those people who receive these coolies towards India as a whole? I think the Hon'ble Mr. Fremantle must admit that on account of this system India has fallen in the estimation of the civilised world. Therefore, Sir, the important question that centres around this Resolution is this: whether the present system does not vitally affect our national honour, our national self-respect, in fact, our national existence as an integral part of the British Empire. I submit, Sir, that this is the question which the Council has to take into consideration and the Government has to consider. A speech like that of the Hon'ble Mr. Fremantle's if delivered some ten years ago might have passed unchallenged. Much water has flowed since then under the bridge. There has been rude awakening of our national consciousness. We feel, Sir, that we have taken things lying down. We do not blame any one for this state of things. We have allowed things to go on in this way; we have not asserted our dignity to be treated like other civilised nations. But times have changed, and we now ask why India, alone among all the countries of the world, should be subjected to this indignity. We urge, Sir, that the system of indentured labour should be abolished at once. We are all familiar, how in Natal, for instance, the best and most cultured of Indians are treated as coolies. Why is that? The simple reason is that South Africa has come into contact with India in the shape of coolie labour, and she only knows India as a vast recruiting ground of menial labour, and therefore whoever goes from India is naturally looked down on as a coolie, and no better than a coolie. Similarly, women who first went to Burma from the East Coast happened to be women of ill-fame, and were called Coringa women from the place whence they came. Even now women of ill-fame, no matter from what part of the East Coast they come, are still called Coringa women.

venture to say, Sir, that the action of the Government would be viewed by the Indian public with deep disappointment. No doubt, as the Hon'ble Mr. Gokhale says, it is a question of time when this system would be abolished. I submit that the Government of India would do well to take time by the forelock, by paying heed to the popular sentiment and by coming forward at once to prohibit this kind of emigration. I don't care to discuss the merits or demerits of the present system. I know several cases where people were inveigled by recruiters to go to a foreign country by describing it as a land flowing with milk and honey. I shall only say this. The system is vicious in itself, stunting the moral growth of the people concerned, and labour should not be prostituted to promote the industries of a few. Leaving all these questions aside, we have got this broad fact, that this question strikes at the root of our national self-respect, our national honour, and national existence. I appeal to the Government of India that in a matter of this kind they should not run counter to the sentiment of the people at large. On this question, Sir, all classes of people are unanimous, and I submit that the Government should be with them in repealing the Emigration Act. I do not wish to say more. I heartily support the Resolution moved by the Hon'ble Mr. Gokhale."

The Hon'ble Mr. Mazharul Haque : "Sir, in 1910, when Lord Minto was presiding over the deliberations of this Council, I had the honour to lay my views about indentured labour. Then I said :

'The whole system of indentured labour is vicious in principle ; it brutalises the employer ; it demoralises the employed. It perpetrates the worst form of slavery in the guise of legal contract ; it is bad in its inception, inhuman in its working and mischievous in its results, and ought to be done away with without any further delay.'

"Two years ago these were my views. I hold these views now and abide by them. Sir, I condemn indentured labour on the higher ground of the freedom of man. God created man free, and this divine right has been taken away by human laws. Labour should be free as man should be free in conscience and in action. My Hon'ble friend, Mr. Shafi, has brought to the notice of this Council the fact that the people of India are unanimous on this subject. He has reminded it that only yesterday the great organisation of the Muhammadans of India, the All-India Moslem League, passed unanimously a Resolution in favour of the Hon'ble Mr. Gokhale's Resolution. I believe my Hindu brethren are also unanimous. Then what is in the way of the Government which prevents them from accepting this Resolution ? Sir, we are helpless in the matter. You, the members of the British Government, are the trustees of our good name, of our dignity and of our honour ; and I appeal to you, all Englishmen in India, to come and help us in this matter and try to save our honour in the eyes of the nations. The people of India feel very keenly about it. They think that they are disgraced in the eyes of other countries inasmuch as India is the only country, as the Hon'ble Mr. Gokhale has reminded this Council, which supplies indentured labour. It is certainly nothing else but a very bad form of slavery. Sir, I invite the Council to help us and accept the Resolution of the Hon'ble Mr. Gokhale."

The Hon'ble Mr. Mudholkar : "Sir, I will speak a few words only to show that the sentiment is general in this country, that the system of the recruitment of indentured labourers in India is degrading and against the principal dictates of humanity. Sir, I do not wish to repeat, after the very graphic description which my friend the Hon'ble Mr. Gokhale has given, the circumstances in which such labour is recruited and the state of things which exists in the countries to which these indentured labourers are sent. I do not wish to say anything on that aspect of the question. We are indeed told by a gentleman—by an Hon'ble Member who occupied a position of authority (because he was a member of the Sanderson Committee of 1908)—that the Committee considered that there was nothing in the system which demanded its removal. Sir, assuming, for the sake of argument, that there were none of the hardships which have been pointed out by witnesses—and in regard to them I might remark parenthetically that no decisive reply has been

given to the very specific charges which Mr. Gokhale has brought.—I say, assuming that in the majority of cases there was no real hardship, still we Indians have a right to protest against India being made a recruiting ground for a system which is not far removed from slavery.

"Sir, the indentured system of labour has been devised for the purpose of supplying labour for places where free labour scorns to come or where free labour has not sufficient attractions. If the prospects which are afforded in British Guiana, in Trinidad and elsewhere are so alluring as they are stated to be, where is there any necessity at all of having this system of indentured labour? There is the market open; let them go and recruit their labourers in the open market and take them wherever they like. Why should the authority of Government be utilised for the purpose of supplying these plantations with the labour which they require? And above all why should India be the one unfortunate country where this kind of system is to be allowed? Have we no voice in the matter whatsoever? Are our feelings not to be consulted? Are our sentiments to receive no recognition from Government? This is a matter in which there is a very deep feeling entertained in the country. It may be that at the time when that inquiry was made, this feeling which is now springing up all over the country amongst all classes of the people, amongst Muhammadans and Hindus alike, had not received that articulate form which it has now received; but it is there. And I would implore Government to pay heed to it and not to allow the system to go on, which is justly considered as an outrage upon Indian sentiment and Indian self-respect."

The Hon'ble Mr. Abdul Majid: "Sir, I beg to give my hearty support to the Resolution moved by the Hon'ble Mr. Gokhale. My reasons are that the general sentiment in this country is that this indentured labour should not be allowed to continue. Only yesterday, as the Hon'ble Mr. Shafi has reminded this Council, an unanimous Resolution was passed at the Annual Session of the All India Moslem League, that this indentured labour system should be abolished in this country altogether."

The Hon'ble Pandit Madan Mohan Malaviya: "Sir, I beg to support the motion which has been brought forward by the Hon'ble Mr. Gokhale. The criticisms which have been offered by the Hon'ble Mr. Fremantle, tending to favour the system, do not touch the points that have been raised by Mr. Gokhale, and I think that it is desirable that the important aspects to which attention has been drawn by the Hon'ble Member should be borne in mind. I hope that the Government will bear them in mind and decide the question upon them. There are two aspects of the question which deserve consideration. There is the human aspect and there is the national aspect. As regards the human aspect, the inherent evils of the system to which the Hon'ble Mr. Gokhale has drawn attention show that the system is not far removed from slavery; that the contract or agreement into which the emigrant is led to enter is anything but fair. Other considerations apart, the fact that the emigrant is not informed of the special penal laws to which he becomes subject by entering into a contract of indenture, entirely condemns it as an unfair transaction. The Hon'ble Mr. Fremantle said in answer to Mr. Gokhale that the coolies who return from the colonies to India must have told their fellows who were going out for the first time what these penal laws were. There is nothing to show that this is done. And by the very nature of things, such information cannot reach the great bulk of those who are induced to go out. Besides, that is no answer to the charge that the penal clauses have been kept back from the people. I do not agree with the opinion that these clauses have been actively concealed. I think if it was brought to the notice of the Magistrates who registered the emigrants, that it was unfair to the emigrants to keep back such important information from them, they would probably have drawn the attention of the would-be emigrants to those clauses. Probably attention was not drawn to it. But it is undeniable that the penal clauses have not been explained to the persons who have been most vitally

affected by them. And the labourers who indenture under the system have been placed in a very unfortunate position, in a position of pitiable helplessness. The object of the Government in passing the Emigration Act was, as was explained by the Hon'ble Mr. Ilbert in 1883, that those who wished to take Indian labourers outside India to employ them should not be hampered by unnecessary restrictions or impeded by unreasonable prejudices, and to protect the emigrants against being entrapped or deluded into unfair bargains or carelessly or oppressively dealt with after they have left their homes. The first of these objects has been more than fully secured under the Act. Since the system was introduced, it has brought into existence the recruiter. He receives a license from the District Magistrate to go about the country to induce persons to indenture. It is his profession, his business, to get hold of as many persons, men and women, as he can, by fair means or foul, and he gets hold of them oftener by foul means than fair. As the system prevails, once a man is caught hold of by the recruiter, he is taken to the depôt. In that depôt he is kept supplied with food and other necessities of life until he is taken before the Magistrate in that place. But he is during all the time under the control of the recruiter and his agents. It is extremely difficult for him to get out of that control even when he wishes to do so. I have on more than one occasion tried to rescue some of these unfortunate persons who had been taken to these depôts. Twice in Allahabad, I attempted, either directly or through some of my friends, to render some assistance to the coolies who had been taken to the depôt and who were not able to come out of it when they wanted to do so. I was foiled in the attempt. On one occasion I was nearly charged with having trespassed into the depôt, though I had taken care to have a sub-inspector of police and an Honorary Magistrate with me. On another occasion I had secured a writ from the Joint Magistrate for some persons to go into the depôt; but I was even then baffled in my attempt, because the system is so practised and kept up that it is impossible for a man who is an outsider to find out where the person who is unwilling to go is. Even when you can gain admission into a depôt, you ask for a certain person, and a certain person is brought before you who is said to be that person. You have often no means to find out whether the right person has been brought before you or not. Then there is another reason why persons who are taken to the depôt find it extremely difficult to come out of it. They are given some money by the recruiter to meet their expenses, and if they want to get out they are required to refund the money. They are seldom in a position to do so while they are shut up in the depôt. The other day in Calcutta, a Marwari gentleman having heard that some of those who were going to be shipped to a certain colony were in such an unfortunate plight, offered to pay Rs 10 each for every person who was not willing to go and who wished to purchase his release. But he was not able to get the necessary assistance, and he had to bear the sorrow of seeing, or at least believing, that a number of his brothers and sisters had to go out of their country against their wishes. Further, these recruiters often practise a great deal of fraud. It appears from the *Venkatashwar Samachar* of Bombay of the 9th ultimo that in December last two young ladies of respectable families who went from Lucknow to Cawnpore to see a relation got into a conveyance and asked the driver to take them to a certain place which they named. The driver, who was evidently in the employ of the recruiting agents there, took them about for the whole day and in the evening put them into the emigration depôt, where they were kept in wrongful restraint, subjected to much ill-treatment, and after they had been thus sufficiently prepared to say what they had been tutored they were presented before the Magistrate to be registered as indentured labourers. One of these ladies was made to say that she was a prostitute. Her appearance and demeanour roused the suspicions of the Magistrate, who started an inquiry with the result that the driver and the recruiting agent are under trial and the ladies have been rescued and restored to their freedom. But for one such case in which the fraud is detected there may be, probably are, many in which it is successfully carried out. I submit, therefore, that the

system is inherently bad. If you let loose a number of recruiters armed with licenses from District Magistrates to get hold of persons by persuasion to go to distant countries and supported with the sections of the Emigration Act which provide a great deal of support to these recruiters, it must in nine cases out of ten be very difficult for those who have been inveigled by them and caught in their hands to get out of their control. It is obvious that the system would not be in existence but for the support of Government. Without such support the recruiter would not be free to get hold of many persons and to put them in the emigration depôt and to constrain their will. For the protection of the emigrant, the Government has no doubt provided that he or she shall not enter into an agreement without being brought before a registering officer, often a Magistrate, and until he or she shall have been asked whether he or she was going out with a knowledge of the nature of the agreement and with a free will or otherwise. But we have seen that this object is not fully secured under the Act. But even if it were, the law does not provide beyond it to ensure that the emigrant shall be fairly dealt with in the colonies. In speaking on the Emigration Bill in 1883, the Hon'ble Mr. Ilbert said:—

‘Thus every reasonable precaution is taken which our law can enforce that the emigrant should be properly treated from the time when he leaves the place where he is recruited to the time when he lands in the colony for which he is bound. Further than this our law cannot follow him, and after this point we can only provide indirectly for his welfare by such influence as we can bring to bear on the Government of the country in which he has established himself.’

“It is clear from this that whatever protection is provided by the Government for the emigrants is provided from the time when they start from the place of their recruitment until they land in the country for which they have embarked. After that they are left at the mercy of the special laws which prevail in that country, and my friend the Hon'ble Mover of the Resolution has graphically depicted the conditions to which they are subject under those laws. I submit therefore that the human aspect of the case requires that the contract which is entered into under such conditions—conditions which are intrinsically and inherently bad in the one place in not letting the penal nature of the laws known to those who will be subjected to them under the indenture for labour, and secondly in admitting of such penal clauses to be put in force against any human being—such a system of contract should be put an end to, and as long as these penal clauses exist in the system, no contract which has been entered into under the Indian Emigration Act which subjects any emigrant, man or woman, to these clauses, ought to receive the smallest countenance from the Government of India.

“Then there is the national aspect. I submit, Sir, that it is a matter of the greatest reproach to us all, Europeans as well as Indians, that our fellow-subjects, those whom Lord Morley described as ‘our equal fellow-subjects,’ should be subjected to such inhuman penal clauses which reduce them to the condition of serfs. It is a matter of deep shame and pain that any one of them, man or woman, should be subjected to those indignities and cruelties which, it has been proved, have been heaped upon Indians in many of these colonies. The honour of the Indian people and of the Indian Government demands that a law which permits or helps such indignities to be heaped on Indians should be at once abolished. Nothing that has been said by the Hon'ble Mr. Fremantle would justify the continuance of such a law for one moment. I will not take up the time of the Council by repeating all the charges that the Hon'ble Mr. Gokhale has brought against the system. These prove that the system cannot, while it lasts, be separated from the evils to which he has drawn attention; and as it cannot be mended, the best thing is that it should be ended, and that without delay.

“The Hon'ble Mr. Fremantle referred to certain advantages which he says have resulted to Indians who have gone to foreign lands. What would the whole world avail the emigrant if he lost his soul by going to those lands? He is subjected to moral degradation; he is subjected to national degradation; he is utterly demoralised, placed under conditions in which he has to live a life of sin and shame; in which he ceases to be a free man and virtually becomes

a slave—a slave of the worst type? That he can save Rs. 30 a year or so under such a system is not a consideration worth urging in support of it. Let him starve, if he must, in his own country, a free man, but not be subjected to these servile restraints and inhuman indignities to save a petty sum of Rs. 30 a year. India can yet afford employment for all her sons and daughters; they will certainly not starve if they are not induced or inveigled to migrate out of the country. The evil lies in the system being what it is, and the remedy lies in its total abolition. The point of complaint that has been raised is that, without the aid of Government, the system cannot last for one moment. If it was left to Indians—coolies or non-coolies—to contract freely according to their own choice to go to foreign lands, the evil will soon be remedied. The system will fall to pieces to-morrow if the Government withdrew its own aid and assistance, and as it is owing to the Government that it is enabled to exist, it is the duty of the Government to do all that it can to eradicate its evils. But as the evils cannot be eradicated, the best thing is to abolish the system. The Government was pleased to recognise this duty last year in stopping indentured labour to Natal. It has recognised it in deciding to abolish the system of indentured labour in Assam. I hope that the motion which has been brought forward by my Hon'ble friend will commend itself to the Government and receive its whole-hearted support, and that this evil system will be abolished before many days are passed."

The Hon'ble Malik Umar Hayat Khan: "Sir, I only get up as I have to get up to-day. This is a Resolution for a popular cause and it does require sympathetic treatment. To argue at length to make a case and then to argue the same thing or argue for it straight off in the beginning comes to the same thing, and that is why I have not entered into the details. I think that the case has been clearly put by the Hon'ble Mover and others. It is useless to advance another set of arguments. I think there is sufficient field in India for labour and the dearth of it has begun to be felt. Men can get work easily. I think ignorant people go with a wrong idea. The first thing is that when they are told they will get such and such sum for their wages, they do not know the respective value of money in this and that country. Secondly, they do not know the respective value of the cost of living in the two countries. When Government has admitted that indentured labour was undesirable in one colony, why should they not have admitted that it would be wrong in others, as it is the principle of indentured labour which is to be blamed? When the people abroad cannot treat Indians properly, I think there is no use of letting them go there. Sir, there is another thing that I want to say. I think cent. per cent. Indians are all on the side of Mr. Gokhale, and when we are cent. per cent. on one side and it is our Government, our Government must be on our side, because otherwise it will not be our Government. I want to say one thing. You have chosen all of us here. There are certain rules framed that we all should come into the Council in such and such a way. Either that rule that has chosen us is wrong or we are all wrong; and if we are right, and are opposed to it, it means that the one side which opposes it is not perhaps so much in touch with the other, because we are born and die with our people; at any rate we know something about them. And as it is, there is very great difficulty for the ordinary labourer to get his complaint heard by them. I support Mr. Gokhale."

The Hon'ble Mr. Bhupendranath Basu: "Sir, I rise only to associate myself with the Resolution that my friend the Hon'ble Mr. Gokhale has proposed. It is needless for me to go into the history of the legislation which he has brought up for discussion. Even a cursory examination of the ways in which that legislation has been worked will show that without any delay it should be removed from the Statute-book."

"There is only one matter in this connection to which I wish to draw the attention of Government. There was a Committee which sat in 1906 about the Assam Labour Emigration Act and which recommended that in five years' time that Act should be withdrawn from the Assam Valley Districts. That five years' time has now expired and the public is anxious to know when the Government will announce the date on which operation of that Act would cease in the Assam Valley."

The Hon'ble Mr. Clark: "Sir, the Hon'ble Member who has moved this Resolution has made it abundantly clear that on moral, social and political grounds alike, he objects to indentured emigration in any form for his countrymen, and he has argued his case with a vigour and eloquence which we have learnt to expect from him in this Council. With much that he has said, I am, if not in agreement, at any rate in sympathy, but I think he will admit that he does not approach this question with an unbiassed mind (with which of course I have no quarrel), and also that he has not put it before Council from an entirely unprejudiced point of view. I hope I am not misrepresenting anything he stated, but I am almost sure that he did not think it necessary even to mention the conclusions arrived at by the Committee of 1908. That was a very important Committee, an impartial one, and they found in favour of continuing the system. I must say I think it is curious that the Hon'ble Member should have omitted this point in his strong indictment. I will give one more example of the attitude with which he has approached the subject. He has mentioned three points in the history of indentured emigration on which he considers that this system should be condemned. First, that the system takes the place of slave labour; secondly, that the system was one under which the negro would not work; and, thirdly, that the fact that there had been so many inquiries shows that the conscience of the Imperial and the Indian Governments is uneasy about it. As to the third—I will take them in inverse order—it is the custom of Government to inquire before they take any action, and if the Hon'ble Member chooses to place this interpretation upon their inquiries, it is not of much use my arguing the matter with him. But the second is a very extraordinary statement. Surely every one knows that the reason why Indian labour was required for the Colonies was that as soon as the negro was emancipated, he refused to work at all under any conditions, and therefore to say that he objects to work under the indentured system, which was not then in force, seems to me a most extraordinary piece of logic. What I have said in the second case explains the first. The Indians came to these Colonies to take the place of the negro who would not work. It is true that previously the work had been done by slaves, but what degradation is it to the Indian who has been doing agricultural work in India to do the same kind of work in the colonies? Is it merely because the man who did it before was a slave before the system of slavery was abolished? I fail to see any connection between the two. The other Hon'ble Members who have dealt with this question have spoken with great force, but I venture to think that they have laid too much stress on what for want of a better term I can only describe as the sentimental aspect of the question. I hope Hon'ble Members will not think that I am using that term in any offensive or unsympathetic sense. Nothing could be further from my intentions. We are on common ground in wishing to see the rights of the Indian labourer duly safeguarded and also, I take it, in wishing to see full freedom of opportunity given to him; and the rest should be mainly a question of fact whether or not the system of indenture is such as to fulfil these requirements. I do not mean to say that the other aspect of the case—the undoubted feeling which exists against indentured labour in itself—can be disregarded; but surely the point of prime importance is the practical issue of how the system affects those who are employed under it—what the drawbacks of it are and what advantages it confers; and it is from this practical standpoint especially that I propose now to deal with the question.

"The Resolution falls into two parts, dealing with indentured labour in India and with indentured emigration to the colonies. I think it will be convenient if I dispose of the Indian question first, because that is relatively a small matter. In India the indenture system only survives in four or five districts in Northern Assam, and there, as the Hon'ble Member has told us, it is moribund. It only survives in these districts and is there under sentence of death. It dates back from the early days of the tea industry, when Assam was a little known country and very difficult of access. As the country developed and communications became more easy, it became less and less necessary to use the penal provisions, and in some districts,

in the Surma Valley, for instance, they had practically fallen into desuetude by 1906. Only two per cent. of the coolies there were recruited under indenture and 98 per cent. were recruited otherwise than under indenture. In the same Resolution in which the Government of India announced their determination to withdraw the labour district provisions of the Act from the Surma Valley, they announced the appointment of a Committee to consider the whole question of recruitment of labour for the tea gardens in Assam. They called attention to the increasing difficulty in securing an adequate supply, and expressed their view that having regard to the importance of the interests involved, the matter required investigation by a strong Committee before further action could be taken. The Committee reported in 1906, and in 1908 the Government of India announced in a Resolution based on the report that, while they did not consider that it would be fair to the industry in the Brahmaputra Valley to withdraw at once the labour district provisions of the Act which had already been withdrawn from the Surma Valley, they proposed to take up the question again in two years, and in the meantime they advised the tea industry to consider how best they could adapt themselves to the changed situation, which would then be created. Various causes contributed to delay the question being dealt with until last year when Government informed the Indian Tea Association that they proposed to withdraw the provisions from the districts of the Brahmaputra Valley as from 1st July 1913. When this withdrawal has been carried into effect, indentured labour will have ceased to exist within the limits of the Indian Empire.

"As the system will so soon have come to an end, it is hardly necessary for me to examine its merits and demerits at any length, but there are one or two points which it is of importance to emphasise in connection with the present Resolution. The marked unpopularity of employment in Assam which led directly to the appointment of the 1906 Committee is undoubted, and it is equally beyond question that the penal clauses were a contributory cause to that unpopularity; but they certainly were not the only or even the main cause. The Committee, to quote their own words, 'placed in the forefront of the reasons for the unpopularity of Assam, the strong resentment which exists among all classes of the people against the malpractices of the *free* emigration system which existed under Act I of 1882.' In a case like this the grounds of unpopularity are no bad index of where abuse really lies. Undoubtedly malpractices in the recruiting districts before the Act of 1901 were very serious. Sir Charles Rivaz in his speech in Council in 1901 stated that the consequence of this system was 'that a horde of unlicensed and uncontrolled labour purveyors and recruiters sprang into existence who, under the guise of assisting *free* emigration, made large illicit gains by inducing, under false pretences, ignorant men and women, chiefly from the backward districts of Bengal and the Central Provinces, to allow themselves to be conveyed to Assam, and by practically selling these people to the planters for the purpose of being placed under labour contracts in that Province.' It is only since the Act of 1901 came into force that the recruiting areas have been restricted and placed under better supervision, with the result that the objection to Assam labour has been gradually, if slowly, dying out. No doubt, as the Committee also say, the penal contract has been a further bar to recruitment. Reports of the compulsory powers vested in the planters before the abolition of the right of private arrest added to the suspicion with which Assam was regarded; but the primary cause was beyond question the malpractices in the recruiting districts. It has to be remembered—a point which I shall have to insist upon later—that there are two sides to the labour contract; it helps the employer by binding down the labourer to work on certain terms, and it protects the labourer by ensuring him regular work at fixed wages and by enforcing on the employer the provision of the necessary safeguards for the labourer's health and material welfare. It is only fair to the planters to say that the Committee found, after touring the districts, that the material condition of the coolie was good and that his welfare was well looked after; that he was provided with good lodgings, good water, and that the conditions of labour were not such as a man of ordinary strength could not well comply with, while they gave him an opportunity at certain times of the year of earning money, without excessive additional labour, over and above his pay.

"The Government of India, since the Resolution of 1908 was issued, have never wavered in their view that the time has come when the penal contract should go. But what has primarily influenced them in arriving at this decision is that, with the improvement of communications, they consider—and the Committee supported this view—that this portion of the Act is no longer required for the protection of the labourers, and they hold strongly that free labour will eventually benefit the industry. Of one thing I am convinced, and that is that the tea industry will never have done for good with their troubles in regard to the supply of labour, until we have managed to secure free labour and free recruitment. Free recruitment must be a matter of some time, especially as the industry have not yet made up their mind that they can do without the contractor; but at least the first necessary step is the removal of that penal contract, and that is now about to be done. Labour under penal provisions has become an anachronism in districts within the limits of India itself, under the direct control of the Indian Government, and now no more difficult of access than many other outlying parts of the country.

"I turn now to what is in the circumstances the more crucial question, that of the recruitment of Indian labour for employment under indenture in British colonies. First of all, let us be clear as to exactly what the scope of contract emigration to the colonies is. Emigration under a contract of indenture can only take place under the Emigration Act of 1908 to certain specified colonies. These are now Trinidad, Fiji, Jamaica, Mauritius and British Guiana. Ceylon and the Straits Settlements are in different position and are not affected by the Act. From time immemorial, there has been a regular flow of free labour, chiefly from districts from the south of India, to those colonies, and the greater part of that emigration has been free. As the Hon'ble Mr. Gokhale told us, there has been some indentured emigration to the Straits Settlements, and there has been in certain cases regrettable mortality on unhealthy estates. I quite admit that, but I do not attach very much importance to it because the system there is practically dead. The Government of that colony has taken up the question, and although we have not heard definitely that they have put an end to it, it is generally understood that they are very soon going to do so. In the Malay States, where great mortality had occurred, they have actually stopped it altogether. That the coolie even in the Malay States does not feel the weight of his chain very heavily, is shown by the fact that 80 per cent. of the indentured coolies in Perak offered themselves for service under the free contract when they were released.

"Returning to the list of colonies which I have mentioned, recruitment has also stopped for Mauritius, where, owing to the depression through which the colony has been passing, there is no longer any demand for labour, and the Government of India have under consideration the desirability of prohibiting it to that colony altogether. Thus we have only to take into consideration emigration to the four colonies of Trinidad, Fiji, Jamaica and British Guiana. Indentured labour for Natal, I need hardly remind the Hon'ble Member who took so deep an interest in the matter, was put an end to from July of last year.

"I cannot help thinking, Sir, that some of the feeling which has grown up against indentured labour is owing to the nature of the contract not being clearly understood. It is very far from being, as is sometimes supposed, a contract solely in the interests of the employer. The interest of the employer in the matter is, of course, clear. He has brought the coolie a great distance over sea at considerable expense to a country where *ex hypothesi* labour is scarce; and the indentured system guarantees that on his arrival the coolie will have to work and will not be tempted away by the offer of better wages or pleasanter conditions elsewhere. The advantage to the labourer is no less real. The system now in force secures him protection in recruitment; on the voyage; on his arrival in the colony, and during the term of his indenture; it secures him, according to the colony concerned, either his passage home or substantial assistance towards it. But I will avoid generalities, and in order to make the matter clear will put briefly before Council the obligations and rights imposed respectively on the two parties by the contract of

indenture and by the operation of the Indian Emigration Act of 1908 and the Colonial Immigration Laws; and Hon'ble Members can then judge for themselves. I should explain that there are slight differences in the requirements in the various colonies, but these are not sufficiently substantial to affect my argument. First of all, as to the obligations upon the coolie. The coolie is bound to his employer for a period of five years. He has to reside on the plantation, and if absent without a pass, is liable to arrest, and can be arrested without warrant; he is liable to fine for such absence. If he is absent without leave for a certain number of days, he is considered to be a deserter and may be fined or imprisoned; he is liable to punishment if he refuses to go to hospital when ill and also for refusing to perform his work, or hindering, molesting or persuading any other emigrant from doing his work; and he is also punishable with a fine or imprisonment for offences against discipline. I turn now to what is done for him by the requirements of the contract and of the law. In the first place, his recruitment is hedged in with safeguards. No person is entitled to recruit labour unless he is licensed by the Protector of Emigrants appointed by the Indian Government at each port from which emigration is lawful. The terms which the recruiter is authorised to offer are submitted to the Protector, who countersigns a written or printed copy, and the recruiter is permitted to give only a true copy of this statement to the persons he invites to emigrate. The Hon'ble Mr. Gokhale laid very great stress on the question whether the coolie knows about penal provisions. It is perfectly true there is not a requirement in the Act that the terms of the contract are to contain the fact that if he does not carry out his contract or commits the other offences I have mentioned, then he is to incur imprisonment or fine. That is so; it is not made clear in the contract. It is a point on which I propose to have inquiry made. I think there is a great deal of force in the contention that he ought to know exactly what he is in for, not only the actual requirements of work, and so on, but that he should know the exact terms of the penalties. But there are one or two considerations which I should like to bring before the Council. In the first place, there is good reason to suppose that most of them know perfectly well what is going to happen. Then the coolie, it must be remembered, in India, is generally tied down in some form or another. The coolie-going to Ceylon is bound down by a load more or less of debt. He is recruited by a person called the 'kangani,' who advances him money, and when he arrives in the colony he is not really free until he has paid off his debt. The coolie, therefore, when he engages himself to do work, expects, as a rule, that something will happen to him if he does not do it. Then I should like to point out another thing. The assumption is that when a man enters into a contract, he means to carry out the contract. The Hon'ble Mr. Gokhale's assumption is that he does not understand the contract properly, and when he gets to the colonies he will wish to break it, and then it is very hard on him that he should suffer a penalty for breaking it. I do not think that is a fair way of looking at it at all. The coolie has signed a contract of which the terms have been most carefully explained to him, and it is only reasonable to suppose he has understood that he has to work well, and that he means to carry out his contract; and if he refuses, he at any rate is not likely to be surprised at finding himself punished. There are clauses in the Indian Penal Code which provide for something not unsimilar at the present moment.

"Every agreement to emigrate must be executed in the presence of a registering officer. The registering officer is required to examine the intending emigrant apart from the recruiter, in order to ascertain whether he is willing and competent to emigrate and understands the terms of the contract, or whether he has been induced to execute the agreement by any coercion or undue influence or mistake. Before embarkation the emigrants are kept in a dépôt, in which they are examined as to their physical fitness to undertake a voyage. If the Protector finds that any emigrant is physically unfit or that any irregularity has occurred in his recruitment or in his treatment, he may return him to the place of registration at the expense of the recruiter. The next step is the voyage to the colony. The Emigration Act and the rules framed under it make elaborate provision for the safety, comfort and proper treatment of emigrants during the voyage. Emigrant ships have to be equipped and provisioned

according to the scales laid down in the rules, and every such vessel has to provide a duly qualified medical officer. The ships cannot sail without an examination by Government officials as to their seaworthiness and the quality and quantity of food, medicines, accommodation and equipment. When the emigrant arrives in the colony of his destination, he is provided for by the law in force in that colony for the regulation of indentured immigration, and it should be remembered that emigration is permitted to no country from India, unless the Governor General in Council is satisfied that that country has made such laws and other provisions as are sufficient for the protection of immigrants during their stay therein. For a certain period after arrival rations are supplied on a scale and at a cost prescribed by the law—a cost which does not exceed 4 annas a day in the case of a male adult. Suitable dwellings, medicines, medical attendance, hospital accommodation and proper diet during sickness have all to be provided for the immigrant free of cost. The hours of work are laid down in the immigration laws and do not exceed 7 hours in the field and 10 hours in the factories, which is, I may point out, a very low figure compared with factory labour in this country, and a minimum wage is prescribed. Protectors of immigrants are appointed who are empowered to visit plantations, to require the production of emigrants, to enquire into complaints made by the labourers, and so on. The Protector may cancel the indentures of immigrants if they are ill-used, or for any breach of contract on the part of the employer, or may institute an action in a Court on behalf of any labourer. Inspectors are also appointed to visit the estates at regular intervals to assist the Protector, and Medical Inspectors also go round to inquire into the labourers' state of health, the sanitation of the plantation, etc. Lastly, grants of land are made to emigrants who resign their right to repatriation and wish to settle in the colonies. If they do not wish to settle they receive from British Guiana, Trinidad and Jamaica assistance towards their passage back to India and from Fiji a free return.

"I think, Sir, that if we are to consider this matter fairly, we ought to set against the penal provisions the advantages conferred by the various provisions which I have just enumerated. Let Council consider for a moment what would happen if there were no contract hedged in as this contract has been with the most meticulous safeguards. The coolie from a district such as the Hon'ble Mr. Fremantle has described to Council is not likely to be a skilful bargainer, and on the other hand may well be tempted without much difficulty from his native land. He would have no security for any proper provision on the voyage. On landing he would find himself in a strange country where he would find difficulty in securing food and dwelling. He would be at the mercy of his employer, and if he were turned off, there would be no alternative for him but to work at any wage, however small, or to starve. It is scarcely possible that he would be able to save money, and his chances, therefore, of ever returning to his native land would be infinitesimal.

"The critics will no doubt say that these provisions are all very well, but what guarantee have we that they work properly in practice—one of the points which Mr. Gokhale took up and pressed with some vigour? The question is most pertinent, and I fully agree that the justification of the entire system depends upon the answer. Fortunately we have the necessary material ready at our hand, for the whole problem of indentured emigration to British colonies has been recently reviewed by a Committee appointed in England in March of 1909. No one can question the impartiality of the Committee. It was presided over by a distinguished ex-Civilian of the English Service. There were representatives of India in Lord Sandhurst, Sir James LaTouche and the Hon'ble Mr. Fremantle, who has spoken on the subject to-day. The Colonial Office was represented, and there were also on the Committee two Members of Parliament, one of whom, Sir George Scott-Robertson, is a strong Liberal, who, if he had any bias in the matter at all, would certainly not be disposed in favour of indentured labour in any form."

The Hon'ble Mr. Subba Rao: "Was there any Indian member?"

The Hon'ble Mr. Clark: "There was no Indian member.
The report of the Committee was unanimous. The Hon'ble Mr. Fremantle,

who was a member of it, has, I think, proved to Council how far-reaching were their inquiries and what care was taken to hear every side of the question. Although the Committee did not actually visit the colonies concerned, representatives of different shades of opinion were brought over at Government's expense to give evidence. The considered opinion of the Committee on the main issue is best quoted in their own words. 'It can safely be said,' they write, 'that, notwithstanding some unfortunate occurrences at times now remote, the system has in the past worked to the great benefit not only of the colonies but equally of the main body of emigrants, and this is so still more in the present.' So far did they consider that the majority of emigrants undoubtedly prospered, that they wished steps to be taken by the Government of India to popularise emigration in India, relinquishing to this end the attitude which they have hitherto maintained of a strict neutrality. The Committee rejected unhesitatingly the imputation, which is still at times advanced, that the system of indentured labour, as it affects emigrants to British Colonies, partakes of the nature of slavery. They expressed the opinion, after examining the best and most authoritative evidence that they could obtain, that whatever abuses might have existed in the past, no such charge can be substantiated against the system as it at present exists, and as it has been in practice during the last twenty or thirty years.

"They considered that the restrictions placed on indentured emigrants are not in their practical operation excessive. They noted that the provisions as to arrest if a coolie is found without the passes which he has to use when he leaves the plantation seemed to be excessive and unnecessary, but they said on the whole that in actual practice they found that these provisions were not abused. They point out that outside the terms of the contract, the principal conditions of which have been twice explained to the coolie before he enters into it, he is for all purposes a free man whose rights are carefully watched over and guarded by a special staff of Government officials. Of course much must depend on the efficiency and rectitude of the Government officials, but as the Committee say, the system must in the last resort be judged by its results, and in the evidence before them they found a general concurrence of opinion that so far from exercising any depressing or debasing influence on the emigrant, it in fact encourages in him the growth of an independence of character. There is an impressive passage in the evidence of Sir Charles Bruce, who was Governor of British Guiana, when Surgeon-Major Comins, then Protector of Emigrants in Calcutta, came to visit the colony on a tour of inspection. He quoted the following words which Surgeon-Major Comins had used:—

'No one,' he said, 'who knows the Indian coolie can fail to be struck by the great difference between the coolie in India and his children born in the colony.' * * * Whatever be the cause, whether change of climate, better food, easy times, more responsible duties or position, the influence of travel, or freedom from the narrowness of caste prejudice, the result is very apparent. The children born in the colony of Indian parents revert to a higher type of civilization, and in appearance, manner and intelligence are so much superior to their parents that it is difficult to believe they belong to the same family. The boys and young men are stronger and better looking, and are able to turn their hand to anything at a moment's notice, with a smartness and knowledge of the world which would vastly astonish their grandparents in India; while the girls and young women have a beauty and refinement rarely seen in public in India many having all the appearance of good birth and breeding usually associated only with families of the best blood. The daughters of men who do not require them to work, lead a happy life, free from the care and toil which aged their mothers before they had reached their prime.'

"In the same way another witness, the Rev. J. Morton, who lived 41 years in Trinidad—and a missionary I imagine is not a person who would take a biased view in this matter—found that the system worked better and induced a better and more independent type in the labourers that came over. I think in the face of such evidence it cannot be contended that indentured labour has an evil influence either on the physical condition or on the morale of the Indian emigrant. In connection with this question of physical condition, Hon'ble Members will recollect that the Hon'ble Mr. Gokhale referred to the considerable mortality which has taken place on occasions among indentured coolies during the last seventy-five years. He went back a long way, but I think he might have added a little more as to the present state of

the figures of health. I have here the figures of mortality in this country and in the colonies. In British Guiana the death-rate of Indians on the estates under indenture averaged 26.6 per thousand over the last nine years, in Trinidad during the same period it ranged from 14.5 to nearly 20 per thousand, in Fiji in 1909 it was only 7.43 per thousand, and in Jamaica it is 23 per thousand; that is to say, the highest is 26 per thousand and the lowest is nearly 8 per thousand."

The Hon'ble Mr. Gokhale: "In Jamaica it is higher than British Guiana. In Jamaica it is 33. It is higher than the general population."

The Hon'ble Mr. Clark: "Among the indentured immigrants the death-rate is 23."

The Hon'ble Mr. Gokhale: "In Jamaica the total rate for the Indian population is higher."

The Hon'ble Mr. Clark: "I am not referring to the general population. The comparison I was going to make was between Indians in the colonies and in their native country. My point is that the death-rate is lower among the indentured immigrants than the death-rate in the United Provinces, from which a large number of these coolies are obtained, and where the death-rate was in 1909 37 per thousand and in 1910 52 per thousand. At the same time it is perfectly true that the sound working of the system depends upon a series of safeguards, and there are openings through which abuses can creep in. I will not deny that, and it is not surprising to find that the Hon'ble Mr. Gokhale and other speakers have called attention in the course of the debate to certain points referred to in the evidence before the Committee. The first of these is the question of Protectors and Magistrates. The Hon'ble Mr. Gokhale considers, I think, that these officers do not carry out their duties as efficiently as they ought to. He went a little further and hinted that some of them were inclined to favour the planter rather than the labourer. The most serious complaints contained in the evidence before the Sanderson Committee under this head were in connection with Trinidad. A Member of the Trinidad Legislative Council, the Hon'ble Mr. C. P. David, who gave evidence before the Committee, complained that the Protector was not sympathetic with the Indians; that he lived in the town at some distance from the estates; and that inspection was not as thorough as it should be. Similarly, Mr Fitzpatrick of Trinidad, who attended as a representative of the Indian community, gave evidence somewhat of the same tenor. On the other hand, Mr. Huggins, a Magistrate, who was in the colony for 25 years, gave entirely conflicting evidence, and said that the Protectors were very popular with the Indians, who came to them about any troubles however small. The Committee themselves arrived at the conclusion that while they considered that Mr. Fitzpatrick's views were not justified in the evidence brought forward, it was no doubt a matter which required watching. There was another complaint mentioned by the Hon'ble Mr. Gokhale in connection with a certain Magistrate, Mr. Bateson, in Mauritius. But Mr. Bateson stated that he found difficulty in cases where a coolie brought an action against his master because the coolie could not state his case efficiently in Court, and Mr. Bateson did not feel that he was as Magistrate entitled to assist him in any marked degree. The Committee in their comment on this evidence considered that Mr. Bateson had taken too narrow a view of his duties, and that he might very well have made more efforts to assist the coolies, and I think this is a conclusion with which everybody must agree. These are the only two cases where the evidence points to anything like a shortcoming. I do not think therefore that there is any strong presumption of shortcomings, but at the same time I entirely agree with the conclusions of the Committee that the matter requires careful watching, because a great deal depends upon it.

"A more serious matter in my judgment is the large number of prosecutions that occur under the Act, and it is all the more serious because it can be substantiated by figures. In British Guiana, in 1907-1908, there were 3,835 complaints by employers against immigrants with an indentured population of only 9,784. The percentage of complaints to the indentured population was 39.2

and of convictions 20·6. In Trinidad, there were 1,869 convictions for offences against the labour law in 1907-1908 for a total indentured population of 11,506, or about 16·5 per cent., and in Fiji there were no less than 291 charges against labourers, of which over 90 per cent. resulted in convictions. In Mauritius, matters are much better; but, even there, at the time when Mr. Muir-Mackenzie visited the colony, there were 4,101 convictions as compared with the total number of indentured labourers employed of 52,247, giving an average of 7·8 per cent., although the average has since fallen to a little more than 3 per cent.

"Well, I think, there is no denying that these figures are disquieting. I think everybody will be glad that the Committee has recommended that the colonies in question should hold an inquiry into the matter. There are certain contributory causes which account in part for the large number of these convictions. Whatever the precautions taken in the recruiting districts, a certain proportion of men are accepted, who are not fitted for agricultural work, or who are idlers with no intention of working except under compulsion. These men swell the list of prosecutions and often come before the Courts again and again. The limitation of the area of recruiting suggested by the Committee should make for the elimination of this factor. In Trinidad, again, in order to prevent an employer encouraging or permitting his labourers to abscond when work is slack so as to avoid having to pay them their wages, he is compelled to prefer a charge against any deserter within 15 days of the offence; and an absence for three full days without leave constitutes desertion. The Indian labourer is not fond of continuous work, and it is probable that this fact would account for a good many of the prosecutions. But the case for inquiry is strengthened by the general tenor of the evidence which shows that, in the best managed estates, prosecutions are not much resorted to. It is very desirable, I think, that the inquiry should be held, and it is greatly to be hoped that the Colonial Governments will look into the matter and that estate managers will in the future be less ready to adopt this most unsatisfactory means of enforcing their strict claims against the immigrants. The Committee made several other recommendations dealing with defects which they considered to exist either in the laws in the colonies or in the arrangements for recruiting in this country. Those recommendations have been considered by the Government of India and we are now in correspondence on the subject with the Secretary of State. I, therefore, cannot make any definite statement about them, but I think I may say this much, that the Government of India are, generally speaking, in agreement with the great majority of the recommendations made. One of the most important of the matters dealt with is the question of re-indentures to which the Hon'ble Mr. Gokhale referred. Now there is no question that re-indentures stand on an entirely different footing to indentures. The indenture system is necessary in the interests of the employer as ensuring him some return for the cost of the passage of the labourer whom he has imported from a great distance, and is necessary in the interests of the labourer because it ensures him work and proper housing, and so on, when he arrives in a new and strange country. Neither of these arguments can be brought forward in defence of re-indentures. When a coolie has finished his first indenture he has discharged his obligations to the employer in respect of the cost of his passage. On the other hand, he may fairly be expected to have found his feet and no longer to need special protection. This matter, again, is one which is under correspondence with the others with the Secretary of State and I cannot say anything definitely about it; but undoubtedly there is much to be said for the recommendations of the Committee that in all colonies where the system still prevails, the duration of contracts of re-indenture should be limited to twelve months and that measures should be taken to abolish the practice within a reasonable time.

"I have now referred, Sir, to the principal points on which the Committee suggest improvements. The Colonial Governments, apart from there being no reason whatever for thinking that they would not in any case wish to protect the Indian immigrants to the best of their ability, have a very strong motive for doing so, since the continuance of emigration is of great economic

importance to the West Indian colonies and the Government of India have powers to prohibit emigration to any colony where they are not satisfied, either with the treatment of the indentured immigrant or of settlers who have completed their indenture and elected to remain in the colony. I think, therefore, that there is very little reason to doubt that, when the Sanderson Committee's report is known to the several Colonial Governments, they will do their best to meet the points which have been raised. Although it is very important that any defects should be remedied, I do not think it can be said that in their sum total these various matters can be held—any more than they were held by the Committee—to constitute a condemnation of the indentured system. Of course I quite agree, as the Hon'ble Mr. Gokhale says, that the Government of India have no special duty to consider the interest of colonies. At the same time the colonies are a part of the same Empire, and we certainly should not wish to do them harm, unless there were very strong grounds shown for doing so because the interests of our own people demanded it. I submit, Sir, that no such grounds have been shown. We have had before us the report of a strong and impartial Committee which recommends the continuance of this system. It is true, as Sir Vithaldas Thackersey says, that the system in so far as it takes away any labour from India effects a reduction in the available labour force of this country. It effects some reduction, but the reduction is so small that very little weight can be attached to the argument. In the last three years the average emigration to the four colonies which were still taking coolies was some nine thousand men, and considering the enormous population of India, that cannot be held to be anything but an infinitesimal proportion.

"The Hon'ble Mr. Gokhale has referred to the difficult question of women in the colonies. It is certainly the case that the question of finding the statutory proportion of women presents difficulties and that the women sent are not always of a desirable class. The evidence shows that trouble has occurred in plantations from time to time both from the number of men being considerably in excess of the women, and from the women not always being of good character; but I am inclined to think that the Hon'ble Member's view has been perhaps too much influenced by a passage in the Government of India's despatch of 1877—that is, a despatch written now 35 years ago. Much greater care has been taken since to improve matters and to procure a better class of women emigrant; and special precautions are prescribed on registration to prevent wives emigrating as a means of leaving their husbands.

"Well, Sir, I have already referred to the evidence which shows that for coolies that go to the colonies emigration has resulted in a growth of independence of spirit and improvement in their physique and morale. They also make considerable profits by going. In 1910, savings brought back by coolies from Trinidad came to £1,000, from Jamaica £2,344, from Mauritius £1,099, and from British Guiana £9,252. Their remittances during the same time were, from Trinidad £3,990; Fiji £3,535; from Jamaica and Mauritius £390 and £690, respectively; and from British Guiana £2,269. It is scarcely possible that they could have done as well if they had stayed at home. Yet if the Hon'ble Member's Resolution were adopted, I do not see how it will be possible for coolies to go from this country to distant colonies. I have explained to the Council the obligations of the contract, and I have shown by contrast what would be expected to happen if the coolies were to go free and unprotected to a distant and to them a foreign country. Only the other day we had a telegraphic report from His Majesty's Consul at Colon telling us that certain coolies had gone out on the chance of getting work on the Panama Canal, and had been stranded there. If we accepted the Hon'ble Member's Resolution, we should have no alternative but so far as in us lies to prevent the overseas emigration of labour. I submit that no case has been made out for so extreme a step, for so harsh an interference with the liberty of the subject, and that we should be far wiser to maintain the attitude of neutrality which the Government of India has taken up in the past towards this question. This policy is well described in a despatch of 1877 from Lord Lytton's

Government, in reply to a despatch from the late Marquis of Salisbury, then Secretary of State for India, in which he suggested that it might be possible and advisable for the Government of India to afford greater encouragement to emigration, having special regard to the greatness of the Indian population and with the probability that the population would continue to increase. The Government of India held that any material departure from the permissive attitude which had hitherto been observed would be extremely impolitic. They did not base this opinion on the ground that it would be inexpedient to part with any portion of the population of the country, for they held, and history has amply justified them, that any amount of emigration that would be likely to take place could not have more than an infinitesimal effect upon the population. They objected on the grounds of the effect which a direct and active interposition of Government in such a matter would be likely to have on the minds of the people and on the difficulty and embarrassment in which Government would become involved by undertaking responsibilities towards the colonies on the one hand and towards the emigrants on the other, which it would be practically impossible for it to discharge in a satisfactory manner. They, therefore, proposed to maintain the policy which, as they put it, may best be described as one of seeing fair play between two parties to a commercial transaction and of acting as protector to the weak and ignorant in order to ensure that in the bargain which they have freely made with those who bid for their labour, they will not be molested or imposed upon.

"The Government of India see no reason to depart from that policy. They hold no brief for indentured labour. While explaining to Council their reasons for thinking that the system should not be discontinued, I have endeavoured to weigh the drawbacks and advantages as dispassionately as I can. Nor can they admit that there is any inconsistency in ending indentured labour in Assam and permitting indentured emigration to continue to British colonies. In the one case, the coolie is working at a relatively short distance from his home, under Indian law within the limits of the Indian Empire; in the other, he is being taken from his own country and placed amongst strangers in a distant colony. From the standpoint alike of his own interests and of his employers the situation is entirely different. There remains the sentiment that indentured labour bears the taint of slavery. It is based on a complete misconception, for in essentials the two differ fundamentally. The labourer under indenture has entered of his own free will into a contract the terms of which have been explained to him again and again, while the essence of slavery is that it is involuntary and forcible; and there is no resemblance in fact between the penalties applicable to an indentured coolie who offends against the labour laws, and the position of the slave who is the absolute possession and chattel of his master. I know that the Hon'ble Mr. Gokhale's only motive in bringing forward this Resolution is his belief that the system is not in the true interests of his countrymen, and no one who has listened to his speech could question the absolute sincerity of his convictions. Yet I venture to think that he is mistaken. Hon'ble Members know the sources from which the greater number of these emigrants are drawn. They come largely from localities where the pinch of poverty is acutely felt, even if it is not always so oppressive as in those districts described by the Hon'ble Mr. Fremantle where men sell themselves into perhaps lifelong serfdom for the few rupees required to pay for a marriage festival. To my mind, Sir, there is no bondage so pitiless as the bondage of poverty and lack of opportunity. The indentured system at least affords to the more adventurous spirits their chance to open up a new life in another land; perhaps to settle there, in a condition of prosperity undreamt of in the environment from which they have emerged; or to return to their own country with substantial savings, if they have been thrifty, or at least with a wider outlook and a new store of experience. I would not, Sir, for fear of this unreal phantom of servitude, deprive them of that opportunity.

"Government must oppose this Resolution"

The Hon'ble Mr. Gokhale: "Sir, the Council has heard two speeches against this motion, one from the Hon'ble Mr. Fremantle and the other from the Hon'ble Mr. Clark; and I will first deal with what has fallen from

Mr. Fremantle. The Hon'ble Member began by complaining—and in that complaint the Hon'ble Mr. Clark joined later on—that I had referred only in passing to the recommendations of the Sanderson Committee. Sir, it is quite true that I made only a very passing reference to the deliberations of that Committee. Shall I tell you why? It was because I was very much disappointed with some of the recommendations of that Committee. I think the whole standpoint from which the Committee approached the question was faulty. But the responsibility for that lay with the terms of reference. The Secretary of State had appointed the Committee, as the terms of his minute show, to consider—

‘the general question of emigration from India to the Crown colonies, and the particular colonies in which Indian immigration may be most usefully encouraged’ and so on.

“Thus the standpoint from which the members were invited to approach the question was not whether indentured emigration should be permitted from India but how Indian emigration should be encouraged to the Crown colonies. The Secretary of State started with the assumption, and the Committee took up the assumption, that Indian immigration was necessary for the Crown colonies, and the question to be considered was how it was to be encouraged. That being so, whatever was against indentured emigration was more or less lost sight of and whatever went to favour such emigration was prominently brought forward. Even so, there are statements in the report which go to show that if the Committee could have recommended the abolition of indenture, they would have gladly done so. One has only to read between the lines of the report to see that it is so. But being convinced that Indian emigration to the colonies was possible only under contract of indenture, and impressed with the idea that without such emigration the interests of the colonies would be jeopardized, the Committee could not but make the recommendations which it has made. Sir, the Hon'ble Member has told the Council that though the penal provisions of the contract are not stated in the agreements or explained beforehand, after all the coolies who go under the system understand what they are going to in the Colonies. This, coming from my Hon'ble friend, is surprising. Let me appeal in the matter from Mr. Fremantle, Official Member of this Council, speaking against my Resolution, to Mr. Fremantle, member of the Sanderson Committee. The report of the Committee, which the Hon'ble Member has signed, says :—

‘We have heard from many colonial witnesses who gave evidence before the Committee that Indian emigrants, when drawn from the agricultural classes, make excellent settlers and that a large proportion do actually settle down either on the sugar and other plantations or on holdings of their own. Yet it seems doubtful whether the majority of the emigrants leaving India fully realise the conditions of the new life before them or start with the deliberate intention of making for themselves a home in a new country. They go because they are uncomfortable at home and welcome any change of circumstances. They have quarrelled with their parents or their caste fellows, or they have left their homes in search of work and have been unable to find it. Many are not recruited in their own villages. The recruiters hang about the bazars and the high roads, where they pick up loiterers and induce them to accompany them to the depôts and agree to emigrate, by relieving their immediate wants and by representations, no doubt often much overdrawn, of the prospects before them. The male emigrant more often than not is unaccompanied by any member of his family, and, indeed, the family is frequently not even aware that he has left the country until (possibly some years afterwards) he re-opens communications. Since, except in times of scarcity or of famine, the supply of casual recruits of this kind is not likely to be large at any one place, the net of the recruiters has to be spread far afield, and we hear of their operations in Delhi, in Rajputana and in Bundelkhand, where there is certainly no congestion of population, but, on the other hand, constant complaints of insufficiency of labour both for agricultural and industrial purposes. The same is the case in Calcutta, where about one thousand emigrants are registered yearly, and still more so in Cawnpore, where the local Chamber of Commerce has on several occasions called attention to the prevailing scarcity of labour and deprecated the encouragement of emigration to the colonies.’

“That shows, Sir, how much these poor people know about the life to which they are going, and how far the contract is a free contract.

“Then, Sir, my Hon'ble friend said that whatever abuses there might have been at one time, there were no serious abuses now. I will mention to

the Council certain facts brought to the knowledge of the Committee by one of the witness, Mr. Fitzpatrick, to whom Mr. Fremantle has himself referred. Mr. Fitzpatrick mentions two cases of serious abuse and they are both of them really significant of the feeling which still prevails in the colonies on the right of indentured labourers to proper treatment. Both cases, it should be remembered, were tried in Courts, and in both cases convictions were obtained. This is what Mr. Fitzpatrick says :

'To put it briefly. Four overseers on Hermitage Estate, Trinidad, beat several indentured emigrants, and amongst them a woman. One of the male immigrants laid a charge of assault and battery and the overseers were fined 10 shillings each.

'One of the blows received by the female immigrant was on her abdomen. She being pregnant at the time, abortion immediately took place, thus endangering her life.

'The immigration authorities for so serious an offence were satisfied to lay a charge against the overseer for the minor charge of assault and battery. The Magistrate fined the accused £2 only and £3 as compensation.

'The charges for beating the other two immigrants were withdrawn by the Inspector. On the 29th September, four immigrants were charged for assaulting an overseer. They were not fined but sentenced to three months' hard labour.'

"I will leave it to the Council, Sir, to say, after this, if there are now no abuses under the system.

"Then, Sir, the Hon'ble Member says that serfdom exists even in India. If that is so, the Government should deal with that at once. I do not know of any instances of serfdom that may exist in this country. But if serfdom does exist here, by all means let it be put a stop to at once. We must distinguish, however, between the kind of serfdom that Mr. Fremantle mentions and the serfdom that the system of indenture impose upon indentured people. In the cases which the Hon'ble Member mentions, is there the right of private arrest? Are there imprisonments with hard labour for negligence, for carelessness, for impertinence, or for things of that kind? That really is the essence of my complaint about the system. The Hon'ble Member has told the Council that he could not understand why the non-official Members of the Council should make so much fuss about this matter. He did not say it in so many words, but that is what he meant. But practically the same thing was said when proposals to abolish slavery were first brought forward. The friends of the planters in the House of Commons, when the question was brought forward there, said that the slaves were contented and they could not understand why the abolitionists wanted to disturb the contentment and the harmony of their lives. The Hon'ble Member said that Indians in the colonies certainly would not thank me for bringing forward this Resolution. Sir, I am quite content that he should earn their thanks by opposing the Resolution. Be his the thanks which the champions of slavery expected to receive from those who were anxious to continue in slavery! Be mine the denunciation, with which the advocates of abolition were threatened by those champions at the hands of slaves, unwilling to be free!

"One more remark of Mr. Fremantle's I must notice. He mentioned the fact that 475 returned emigrants went back again last year, as evidence of the satisfactory conditions of life that prevailed in the colonies for indentured people. But 475 out of how many returned emigrants? If things were really attractive there, why should not a larger number go? I remember to have read in this report (Sanderson Committee's report) an explanation as to why a few men, after coming back to India, again return to the colonies. It is because these people, having stayed for a number of years in the colonies, find it impossible to get back into their old grooves of life in India, and after spending some time here and there, and not knowing what else to do when their savings are exhausted, they again go to the colonies in a spirit of venture. The Protectors and the planters, however, do not want them. Indeed, their attitude towards such returned emigrants came out very well in the evidence of Commander Coombs. And curiously it was my Hon'ble friend, Mr. Fremantle, who, in his examination of Commander Coombs, brought out the fact that Protectors and planters do not like to receive returned

emigrants, as it is feared that they know the system too well and are sure to poison the minds of other emigrants on the voyage. Mr. Fremantle summed up this attitude in these words:—

'It sounds rather as if you wanted to keep the people who come out in the dark as to the conditions in the colony if you discourage returned immigrants.'

"I am therefore surprised that he should mention the fact of these 475 returned immigrants going back as a sign that the system was satisfactory.

"Now, Sir, I will say a few words in reply to what the Hon'ble Mr. Clark has said. I am thankful to the Hon'ble Member for the promise that he has given of inquiring into why the fact of the penal nature of the contract is not mentioned in the agreements. I hope that the inquiry will be satisfactory and that this fact will be prominently brought out in all future agreements. The Hon'ble Member wondered how I could attach any importance to the fact that emancipated negroes scorned to come under the indenture system, and how from that I concluded that there was something servile about the system. Now, Sir, any man who goes through the third volume of Sanderson Committee's report will see what opinion the emancipated negroes have of the system. In Jamaica there is plenty of emancipated negro labour, but the emancipated negroes require higher wages than what are paid to indentured Indians, and the planters are not willing to pay them because their profits are reduced if higher wages are paid. And what is the result? The negroes are emigrating from Jamaica. The Baptist Union of that colony has pointed out in one of its representations that the emancipated negroes there are being forced to emigrate elsewhere for want of employment. They do not get the wages they want; they cannot be satisfied with the wages offered to them; and therefore they are compelled to emigrate from the places where they were born, and where they have spent all their lives. The Council will thus see that the emancipated negroes think that the indenture system is not good enough for them; and I am quite justified in drawing from this the conclusion that it is a system unworthy of free or even emancipated men, and I think that that is a sufficient condemnation of the system.

"Then, Sir, the Hon'ble Member said that emigrants might be ignorant of the conditions under which they would have to live, when they start, but things are explained to them when they land.

"What is the good of explaining things to them when they are ten thousand miles away from their houses? If they were explained before they started, then that would be something."

The Hon'ble Mr. Clark: "The Hon'ble Member has misunderstood me. I said that the terms of the contract were explained to them when they were registered and again when they came to the dépôt before they sailed."

The Hon'ble Mr. Gokhale: "I understood the Hon'ble Member to say that the things were explained to them when they reached the colonies. In any case the penal nature of the contract is not explained to them here, and that is my main argument. Then the Hon'ble Member told us that these laws of the colonies dealing with indentured labourers were laws which had received the assent of the Government of India."

The Hon'ble Mr. Clark: "I am sorry to interrupt the Hon'ble Member again. Colonial laws do not receive the assent of the Government of India. What I said was that if we found that the laws and their operation were open to objection, we could always stop emigration."

The Hon'ble Mr. Gokhale: "I am sorry that I was not able to hear quite clearly what the Hon'ble Member had said, and I mentioned the impression left on my mind. However, I will mention one instance of how laws passed in the colonies are often approved by the Government of India, as a matter of course. The law in Natal which imposes the £3 annual tax on ex-indentured Indians was passed in 1895, and it was approved by the Government of India. I am quite sure that the approval could not have been deliberate. There was then no separate Department of Commerce and Industry, and the thing must have gone through the ordinary routine, some Under Secretary saying that he saw nothing objectionable in the Act, and thus the Government of India's approval must have

been notified to the colony. Well, that is the way in which laws are approved, and that is also the way their operations are watched from this distance. The Hon'ble Member also said 'there is a provision in the statutes for complaints being heard, that the Protector goes round in many places to hear complaints. Commander Coombs tells us that he visits the estates three times in the year. And what does he do? Before he goes, he sends a notice to the manager, and when he goes round, he is accompanied by him. Under these circumstances how many people will come forward; in the presence of the planter, to lodge complaints before the Protector, who visits an estate after giving proper notice to the manager and after the manager has had time to set everything right? Sir, the whole thing is on the whole a more or less make-believe sort of thing, and we cannot attach much value to it.

"Referring to the argument used by the Hon'ble Sir Vithaldas Thackersey that India wants all her labour for herself and she cannot afford to lose those who emigrate to the colonies, the Hon'ble Member says that such emigration cannot appreciably affect the labour-supply of India. But if the reduction in the labour-supply is so small, the benefit that India gets from the remittances of emigrants is also trivial; so really both factors must be eliminated from our consideration of this matter.

"The Hon'ble Member holds that the colonies are a part of the Empire, and that, though the question of their interests does not directly concern us, it cannot be left out of account altogether on Imperial grounds. Well, Sir, if the colonies are a part of the Empire, we too are a part of the Empire. But do the self-governing colonies ever take that into account? What have they ever done for us and what obligation rests on us to take the interests of the colonies into our consideration and submit on their account to conditions which, in essence, are not far removed from the servile? Moreover, if the people of India and of the colonies belong to the Empire, so do the emancipated negroes. But what happens to them? It is a heart-rending tale which is told in the appendices to the Sanderson Committee's report—that of the manner in which these neglected people are driven to emigrate from the colonies in which they were born by want of employment.

Finally the Hon'ble Member objects to my comparison between this system and slavery. It is true that the system is not actual slavery, but it is also true that it is not far from it. The contract is not a free contract. You have here the right of private arrest, just as they had in the case of slavery. Moreover, the labourer is bound to his employer for five years and he cannot withdraw from the contract during that period. And there are those harsh punishments for trivial faults. Therefore, though the system cannot be called actual slavery, it is really not far removed from it.

"One word more, Sir, and I have done. The Government, it is clear, are not going to accept this Resolution; that being so, the Resolution is bound to be thrown out. But, Sir, that will not be the end of the matter. This motion, the Council may rest assured, will be brought forward again and again, till we carry it to a successful issue. It affects our national self-respect, and therefore the sooner the Government recognize the necessity of accepting it, the better it will be for all parties."

The Council divided :

Ayes—22.

The Hon'ble Mr. Subba Rao, the Hon'ble Raja of Kurupam, the Hon'ble Mr. Gokhale, the Hon'ble Mr. Mudholkar, the Hon'ble Sir Gangadar Rao Chitnavis, the Hon'ble Mr. Dadabhoy, the Hon'ble Mr. Shafi, the Hon'ble Khan Zulfikar Ali Khan, the Hon'ble Malik Umar Hyat Khan, the Hon'ble Mr. Jinnah, the Hon'ble Mr. Bhurgri, the Hon'ble Sir Vithaldas D. Thackersey, the Hon'ble Pandit Madan Mohan Malaviya, the Hon'ble Nawab Abdul Majid, the Hon'ble Raja of Partabgarh, the Hon'ble Raja of Mahmudabad, the Hon'ble Maulvi Shamsul Huda, the Hon'ble Raja of Dighapatia, the Hon'ble Maharajahbiraja Bahadur of Burdwan, the Hon'ble Mr. Bhupendranath Basu, the Hon'ble Mr. Sachchidananda Sinha, and the Hon'ble Mr. Haque.

Notes—33.

His Honour the Lieutenant-Governor of Bengal, the Hon'ble Sir Robert Carlyle, the Hon'ble Sir Harcourt Butler, the Hon'ble Mr. Syed Ali Iman, the Hon'ble Mr. Clark, the Hon'ble Sir Reginald Craddock, the Hon'ble Major General Sir M. H. S. Grover, the Hon'ble Mr. MacLagan, the Hon'ble Mr. Porter, the Hon'ble Mr. Sharp, the Hon'ble Mr. Enthoven, the Hon'ble Mr. Wheeler, the Hon'ble Mr. Brunyate, the Hon'ble Sir A. H. McMahon, the Hon'ble Mr. Lyon, the Hon'ble Mr. Saunders, the Hon'ble Sir James Meston, the Hon'ble Mr. Gordon, the Hon'ble Surgeon General Sir C. P. Lukis, the Hon'ble Mr. Fremantle, the Hon'ble Mr. Vincent, the Hon'ble Mr. Carr, the Hon'ble Mr. Arthur, the Hon'ble Mr. Madge, the Hon'ble Sir C. W. N. Graham, the Hon'ble Mr. Phillips, the Hon'ble Mr. Meredith, the Hon'ble Mr. Gates, the Hon'ble Mr. Slacke, the Hon'ble Sir Charles Stewart-Wilson, the Hon'ble Mr. Dempster, the Hon'ble Mr. Kenrick, and the Hon'ble Mr. Kesteven.

So the Resolution was rejected.

ADJOURNMENT OF COUNCIL.

The President : "The Council will now adjourn to Thursday, the 7th March, at 11 o'clock, when the first and second stages of the Financial Statement will be discussed."

W. H. VINCENT,

*Secretary to the Government of India,
Legislative Department.*

CALCUTTA ;
The 13th March 1912. }

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,
ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS
UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861
TO 1909 (24 & 25 VICT., c. 87, 55 & 56 VICT., c. 14, AND 9 EDW. VII, c. 4).

The Council met at Government House, Calcutta, on Thursday, the 7th March 1912.

PRESENT:

His Excellency BARON HARDINGE OF PENSHURST, P.C., G.C.B., G.C.M.G.,
G.C.V.O., G.M.S.I., G.M.I.E., *Viceroy and Governor General of India, presid-*
ing,
and 57 Members, of whom 49 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Babu Bhupendranath Basu asked:

"(1) Will the Government be pleased to state whether they have received any memorial from the people of Sylhet to incorporate their district with the Province of Bengal?"

"(2) Is it the intention of Government to include in the new Province of Bengal—

(a) Sylhet and Manbhum, and

(b) any portions of Bhagalpur, Purnea and the Santhal Parganas where Bengali may be the prevailing language?"

The Hon'ble Sir Reginald Craddock replied:

"Various memorials have been received from persons resident in Sylhet requesting the incorporation of the district with the new Province of Bengal, and others have been received protesting against the proposal.

"With reference to the second portion of the question, it is not the intention of Government to include in the new Province of Bengal the areas mentioned."

The Hon'ble Mr. Sinha asked:

"(a) Will the Government be pleased to state the total number of officers in each Province appointed to what was called the Statutory Civil Service, and the number, in each Province, of the Statutory Civilians who have held the offices of Divisional Commissioners or Judges of the High Court or the highest Judicial tribunal in the Province?"

"(b) Is there any bar to the promotion of such officers to such posts? If so, do the Government propose to remove it?"

"(c) If no bar exists what reasons, if any, stand in the way of the promotion of Statutory Civilians to such high Executive and Judicial posts as are referred to above?"

The Hon'ble Sir Reginald Craddock replied :

"(a) A statement showing the total number of Statutory Civilians appointed in each Province is laid upon the table.* In the Punjab and Central Provinces respectively one Statutory Civilian has been appointed to officiate as a Divisional Commissioner. No such appointments have been made to any High or Chief Court, or to the post of Judicial Commissioner.

"(b) There is no legal barrier to the promotion of Statutory Civilians to the posts of Divisional Commissioner or to the judicial appointments referred to.

"(c) Appointments to such posts are made strictly by selection. There are no reasons barring the promotion of Statutory Civilians to such appointments provided that they are thought to be fully qualified and of suitable seniority."

The Hon'ble Mr. Sinha asked :

"(a) Will the Government be pleased to state what steps, if any, they have taken in the matter of the revision of the Regulations governing elections to the Imperial and Provincial Councils?"

"(b) Is there any chance of the said Regulations being promulgated, in a revised form, before the next elections come on?"

The Hon'ble Sir Reginald Craddock replied :

"(a) The Government of India have examined the proposals made by Local Governments for the amendment of the Council Regulations as the result of the experience gained of their practical working, and in view of the short period during which the Regulations have been in operation, have decided to defer the consideration of any changes which involve important matters of principle. Certain amendments of a minor character are, however, under discussion.

"(b) It is the intention of the Government of India to submit to the Secretary of State in Council their final recommendation on such points in time to permit of the publication of revised regulations before the next elections."

The Hon'ble Mr. Sinha asked :

"(a) Is it a fact that in the Punjab Gazette of November 14th, 1911, there appeared the following notice :—

'A public examination for admission to the Assistant Surgeon Branch of the Indian Subordinate Medical Department will be held on January 8, 1912, at stations and places marginally noted. (The places include in the Punjab, Lahore, Peshawar, Kasauli, Simla and Sialkot.) Only Europeans and Eurasians will be allowed to appear at the examination.'

"(b) If so, will the Government be pleased to state the reasons for disallowing His Majesty's Indian subjects from competing at the said 'public examination.'

"(c) Do the Government propose to issue any orders that no racial restrictions be imposed on Indians, either in the Punjab or other Provinces, in the matter of appearing at public examinations?"

His Excellency the Commander-in-Chief replied :

"This notification has been published periodically in the Gazettes and Press for several years. The chief duty of Military Assistant Surgeons is the care of

British soldiers in European Station Hospitals—a duty upon which it is not customary to employ His Majesty's Indian subjects. For this reason only Europeans and Eurasians are admitted to this branch of the Indian Subordinate Medical Department.

“Indians are eligible for the Military Sub-Assistant Surgeon branch of the Indian Subordinate Medical Department which performs similar duties in connexion with Indian troops.”

The Hon'ble Mr. Mudholkar asked :

“Will the Government be pleased to lay on the table a statement similar to that included in the Railway Administration Report till some years ago showing the annual net gain or net loss to the State from the commencement till the end of the year 1911, or, if the figures for the year 1911 are not ready, till the end of the year 1910, on each of the Railway lines owned by the State or by guaranteed or subsidised Companies?”

The Hon'ble Sir T. R. Wynne replied :

“The information, covering the period 1879 to 1910 inclusive, for the several Railways will be found in Appendix 38 of the Railway Administration Report for 1907 and Appendix 9 of that for 1910, in Table I under the head ‘Statistics of working.’

“Copies of these Reports will be found in the Additional Members' room.”

The Hon'ble Mr. Mudholkar : “Am I to understand that the information that was given in the Reports of 1906 in regard to State Railways, such as the Dhond-Manmad State Railway, the Wardha Valley State Railway, the Amraoti State Railway, and the Khangaon State Railway, is incorporated in these Reports?”

The Hon'ble Sir T. R. Wynne : “Those Railways which the Hon'ble Member has mentioned have been incorporated in the undertakings of the Great Indian Peninsula Railway, and I do not think they show separate accounts now.”

The Hon'ble Mr. Subba Rao asked :

“With reference to the statement placed on the table at the meeting of the 10th January last showing the number of places annually recruited in each province for the executive branch of the Provincial Service and in what proportion they are recruited,—how many by selection and how many by promotion,—will the Government be pleased to state the number of places recruited annually in Madras by promotion and by selection since recruitment by competition was abolished there in 1905?”

“With reference to the policy adopted in that Province of making recruitment exclusively by promotion, will the Government be pleased to state whether they have issued any instructions in the matter; if not, do the Government propose to issue instructions that the recruitment should be at least by selection and promotion on the lines followed in the United Provinces, Bengal, Eastern Bengal and Assam and Bombay?”

The Hon'ble Sir Reginald Craddock replied :

“The necessary information has been obtained from the Government of Madras and a statement* is laid on the table which answers the first part of the question asked by the Hon'ble Member.

“The Local Government was invested with power in 1910 to make rules for the recruitment of the Provincial Civil Service without the previous sanction of the Government of India, and as at present advised the Government of India do not consider it necessary to exercise the general control which they then reserved or to issue any special instructions.”

* Vide Appendix No. 2.

The Hon'ble Mr. Subba Rao asked :

"Will the Government be pleased to state whether, apart from the observations contained in the Government of India Resolution of the 11th March 1904, relating to the educational policy of the Government, any specific instructions were issued to Local Governments to do away with recruitment by competition even to a limited extent ?

"If not, will the Government be pleased to say how in all Provinces except the Punjab recruitment by limited competition was entirely done away with, and in Madras even recruitment by selection was abolished ?

"Was this done with the approval of the Government of India ; and, if so will the Government be pleased to place the correspondence on the table ?"

The Hon'ble Sir Reginald Craddock replied :

"It is understood that the Hon'ble Member is referring to the system of recruitment for the Provincial Civil Service in different Provinces. Since the declaration of policy contained in the Resolution of the Government of India of the 11th March 1904, no specific instructions have been issued to Local Governments directing the abolition of the system of competitive examination. Subsequent to the issue of the Resolution referred to, various Local Governments recast their rules bearing on the point, and these amendments were approved by the Government of India ; but the implication that prior to 1904 recruitment was everywhere by competition is inaccurate. Neither is it the case that recruitment by selection is even now inadmissible under the Madras rules.

"Since 1910 power has been delegated to Local Governments to make rules for the recruitment of the Provincial Civil Service, subject only to the general control of the Government of India. Prior to that date the previous sanction of the Government of India was required.

"It is not considered desirable to place on the table the correspondence relative to the revision of these rules."

The Hon'ble Mr. Graham, on behalf of the Hon'ble Mr. Armstrong, asked :

"Will Government be pleased to state, with reference to the announcement made in the speech of the Hon'ble the Finance Member when introducing the Financial Statement for 1910-11 that 'for the future, as has now been decided, the whole of our coinage profits without reservation will be paid into the gold standard reserve until such time as the gold held by us in that Reserve and in the Paper Currency Department combined reaches the figure of £25 millions sterling' whether Government now consider themselves at liberty to dispose of profits on silver coinage if and when undertaken or any part of such profits otherwise than by paying the profits to the gold standard reserve in view of the fact that the reserves mentioned now exceed the limit stated ?"

The Hon'ble Sir Guy Fleetwood Wilson replied :

"The gold held by us in the Gold Standard Reserve and in the Paper Currency Department combined is now in excess of £25 millions. If profits on fresh coinage were accruing to us at the present moment, we should not be bound to credit the whole of them to the Gold Standard Reserve."

The Hon'ble Sir Gangadhar Rao Chitnavis asked :

"So long as structural and sanitary improvements are not complete in the new capital at Delhi, do Government propose to undertake important legislative work at Simla ?"

The Hon'ble Sir Reginald Craddock replied :

"It is the intention of Government to hold a legislative session next cold weather at Delhi, but no statement can now be made as to the distribution of legislative business between Simla and Delhi."